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1941 SUPPLEMENT

LAWS APPLICABLE TO THE UNITED STATES DEPARTMENT OF AGRICULTURE

(1935 edition)

EMBRACING

STATUTES OF A PERMANENT CHARACTER,
REORGANIZATION PLANS, AND EXECUTIVE ORDERS
AFFECTING THE DEPARTMENT OF AGRICULTURE
WHICH WERE NOT INCLUDED IN THE 1935 EDITION
OR WHICH HAVE BEEN ENACTED OR ISSUED
BETWEEN SEPTEMBER 6, 1935, AND
JANUARY 13, 1941

Arranged, indexed, and edited by JAMES K. KNUDSON ATTORNEY, OFFICE OF THE SOLICITOR

Under the direction of MASTIN G. WHITE SOLICITOR



UNITED STATES
DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C.



1941 SUPPLEMENT

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UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON: 1941

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FOREWORD

This compilation of laws, reorganization plans, and Executive orders affecting the Department of Agriculture is designed to supplement the 1935 Edition of Laws Applicable to the United States Department of Agriculture. The 1935 Edition includes permanent legislation, or legislation not of a clearly temporary character, affecting the Department, its officers, and its employees, enacted up to and including September 6, 1935, the last day on which bills passed by the Seventy-fourth Congress, first session, could be approved by the President.

This 1941 Supplement includes legislation of the same character enacted during the period that began on September 7, 1935, and ended on January 13, 1941, the last day on which bills passed by the Seventy-

sixth Congress could be approved by the President.

In addition, the Supplement includes all laws applicable to the Farm Credit Administration, the Federal Farm Mortgage Corporation, the Rural Electrification Administration, and the Commodity Credit Corporation. The Supplement also takes cognizance of the fact that several agencies (the Food and Drug Administration, the Weather Bureau, the Bureau of Public Roads, the Bureau of Biological Survey, and the Foreign Agricultural Service) were transferred from the Department of Agriculture to other agencies of the Government pursuant to the Reorganization Act of 1939. Accordingly, there are reproduced in full the reorganization plans under which the transfers were effected, together with the messages of the President accompanying such plans.

Also, since the publication of the 1935 Edition, it has become apparent that certain legislation, which was enacted before the publication of the 1935 Edition but was not included therein because such legislation was deemed to be of a temporary nature, is permanent in character. Therefore, this legislation is included in the 1941 Supple-

ment.

Basically, the pattern of the 1941 Supplement is the same as that of the 1935 Edition, in that all legislation relating to the same general subject matter is assembled in the same order and under the same title and section headings used in the United States Code. However, because of the fact that no numerical gaps were left in the 1935 Edition between the various titles and sections, it has been necessary to devise a new system of numbering paragraphs in the 1941 Supplement. The system may be described briefly as follows:

(1) Where a statute appearing in the 1935 Edition has been substantially amended, it will appear in amended form under the same

paragraph number or numbers in the 1941 Supplement.

(2) Where a statute in the 1935 Edition has been amended only slightly, for example, by the addition of a word or two, the statute, or amended section thereof, will appear in the 1941 Supplement under the same paragraph number as in the 1935 Edition with the addition of the letter "a" (e. g., 114a).

(3) Where new legislation which did not appear in the 1935 Edition is included in the 1941 Supplement, the principal, or key number of the paragraph under which it appears in the Supplement is the last paragraph number of the section in which the legislation would have been placed if blank numbers had been available. To this principal number is added, following a dash, a number indicating numerical sequence. To illustrate, under the section heading "General provisions," which is one of the sections appearing under the title heading "Executive departments, Government officers and employees," the last number in the 1935 Edition is 115. The statutes in the 1941 Supplement, which would have followed in order after the number 115 if blank numbers had been made available, are numbered 115–1 to 115–51, inclusive.

Attention is invited to the fact that a completely revised index, covering both the 1935 Edition and the 1941 Supplement, appears in the Supplement. Because of the nature of this new index, as explained in the statement "How to use this index" on page 581, it is recommended that all who use either of the volumes employ only the

index in the 1941 Supplement.

A new feature of the 1941 Supplement, to which attention is also invited, is the "Parallel statutory reference table" on page 521. This table will enable anyone who knows the statutory reference of the legislation in which he is interested to find the paragraph in which the statute appears in either one or both of the volumes of Laws Applicable.

The compilation of a book of this nature is an exacting and difficult task. The elimination of all mistakes is a virtual impossibility. It will be appreciated, therefore, in view of the importance of correcting errors, if users will report them to the Solicitor upon discovery. Suggestions as to the form or context of future compilations will also

be appreciated.

The faithful work of all who assisted in the compilation of this

publication is hereby acknowledged.

The proper means of citing the Laws Applicable to the United States Department of Agriculture is as follows:

L. A. (1935 Ed.), par. 600, or L. A. (1941 Supp.), par. 115-36.

FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES

2-1. Tax on motor fuel sold on military or other reservation; reports to state taxing authority.—(a) That all taxes levied by any State, Territory or the District of Columbia upon sales of gasoline and other motor vehicle fuels may be levied, in the same manner and to the same extent, upon such fuels when sold by or through post exchanges, ship stores, ship service stores, commissaries, filling stations, licensed traders, and other similar agencies, located on United States military or other reservations, when such fuels are not for the exclusive use of the United States. Such taxes, so levied, shall be paid to the proper taxing authorities of the State, Territory or the District of Columbia, within whose borders the reservation affected may be located.

(b) The officer in charge of such reservation shall, on or before the fifteenth day of each month, submit a written statement to the proper taxing authorities of the State, Territory or the District of Columbia within whose borders the reservation is located, showing the amount of such motor fuel not sold for the exclusive use of the United States during the preceding month. (June 16, 1936, sec. 10,

49 Stat. 1521; 4 U. S. C., sec. 12 and 23 U. S. C., sec. 55a.)

EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES

PROVISIONS APPLICABLE TO DEPARTMENTS AND OFFICERS GENERALLY

27. Sick leave; effective date.—That after January 1, 1936, except as provided in section 4 hereof, all civilian officers and employees of the United States wherever stationed and of the government of the District of Columbia, other than teachers and librarians of the public schools of the District of Columbia and officers and members but not the civilian personnel of the police and fire departments of the District of Columbia and other than officers and employees of the Panama Canal and Panama Railroad on the Isthmus of Panama, shall be entitled to sick leave with pay regardless of their tenure, as described herein. (Mar. 14, 1936, sec. 1, 49 Stat. 1162; 5 U. S. C., sec. 30f.)

27a. Same; amount, cumulative.—On and after January 1, 1936, cumulative sick leave with pay, at the rate of one and one-quarter days per month, shall be granted to all civilian officers and employees, the total accumulation not to exceed ninety days. Temporary employees, except temporary employees engaged on construction work at hourly rates, shall be entitled to one and one-quarter days sick leave for each month of service: *Provided*, That all such employees shall furnish certificates satisfactory to the head of the appropriate de-

partment or independent establishment. (Mar. 14, 1936, sec. 2, 49

Stat. 1162; 5 U. S. C., sec. 30g.)

27b. Same; advancement of sick leave.—Administrative officers may advance thirty days sick leave with pay beyond accrued sick leave in cases of serious disability or ailments and when required by the exigencies of the situation. (Mar. 14, 1936, sec. 3, 49 Stat. 1162; 5 U. S. C., sec. 30h.)

27c. Same; leave differentials of employees outside continental United States not affected.—Nothing in this Act shall be construed to prevent the continuance of any existing leave differential now obtaining for the benefit of the employees of the Federal Government stationed outside the continental limits of the United States. (Mar. 14, 1936, sec.

5, 49 Stat. 1162; 5 U. S. C., sec. 30i.)

27d. Same; Government corporations included within provisions of Act.—The employees of any corporation created under authority of an Act of Congress which is either wholly controlled or wholly owned by the United States Government, whether or not the employees thereof are paid from funds appropriated by Congress, shall be included within the provisions of this Act. (Mar. 14, 1936, sec. 6, 49 Stat. 1162; 5 U. S. C., sec. 30j.)

27e. Same; regulations by President.—The leave of absence herein provided for shall be administered under such regulations as the President may prescribe, so as to obtain, so far as practicable, uniformity in the application of this Act. (Mar. 14, 1936, sec. 7, 49)

Stat. 1162; 5 U. S. C., sec. 30k.)

30. Annual leave of absence; effective date.—That with the exception of teachers and librarians of the public schools of the District of Columbia and officers and employees of the Panama Canal and Panama Railroad on the Isthmus of Panama, and except as provided in section 4 hereof, all civilian officers and employees of the United States wherever stationed and of the government of the District of Columbia, regardless of their tenure, in addition to any accrued leave, shall be entitled to twenty-six days' annual leave with pay each calendar year, exclusive of Sundays and holidays: Provided, That the part unused in any year shall be accumulated for succeeding years until it totals not exceeding sixty days. This Act shall not affect any sick leave to which employees are now or may hereafter be entitled. Temporary employees, except temporary employees engaged on construction work at hourly rates, shall be entitled to two and one-half days leave for each month of service. The annual leave herein authorized shall be granted at such times as the heads of the various departments and independent establishments may prescribe. This Act becomes effective January 1, 1936. (Mar. 14, 1936, sec. 1, 49 Stat. 1161; 5 U. S. C., sec. 30b; supersedes paragraph No. 27, Laws Applicable, 1935.)

30a. Same; regulations by heads of departments.—Each head of a department or independent establishment shall issue general public regulations, not inconsistent with law, setting forth the hours of duty per day and per week for each group of employees. Before issuing such regulations, which shall be issued within three months from the date of approval of this Act, the heads of departments and independent establishments shall meet and consult among them-

selves and make such regulations as nearly uniform as possible so that all employees, temporary or permanent, in all departments and independent establishments shall receive like treatment as nearly as may be practicable: *Provided*, That heads of departments and independent establishments may appoint a subcommittee to draft such regulations. (Mar. 14, 1936, sec. 2, 49 Stat. 1161; 5 U. S. C., sec. 29a.)

30b. Same; leave differentials of employees outside continental United States not affected.—Nothing in this Act shall be construed to prevent the continuance of any existing leave differential now obtaining for the benefit of employees of the Federal Government stationed outside the continental limits of the United States. (Mar. 14, 1936,

sec. 5, 49 Stat. 1161; 5 U. S. C., sec. 30c.)

30c. Same; corporations included within provisions of act.—The employees of any corporation created under authority of an Act of Congress which is either wholly controlled or wholly owned by the United States Government, whether or not the employees thereof are paid from funds appropriated by Congress, shall be included within the provisions of this Act. (Mar. 14, 1936, sec. 6, 49 Stat. 1161; 5 U. S. C., sec. 30d.)

30d. Same; regulations by President.—The leave of absence herein provided for shall be administered under such regulations as the President may prescribe, so as to obtain, so far as practicable, uniformity in the application of this Act. (Mar. 14, 1936, sec. 7, 49)

Stat. 1162; 5 U. S. C., sec. 30e.)

30e. Annual and sick leave to be exclusive of Sundays, holidays, and all nonwork days established by law, Executive or administrative order.—That the days of annual leave with pay provided for in the Act of March 14, 1936 (49 Stat. 1161), and the days of sick leave with pay provided for in the Act of March 14, 1936 (49 Stat. 1162), shall mean days upon which employees would otherwise work and receive pay, and shall be exclusive of Sundays which do not occur within a regular tour of duty, holidays, and all nonwork days established by Federal statute or by Executive or administrative order. (Mar. 14, 1936, 49 Stat. 1161, 1162; Mar. 2, 1940, 54 Stat. 38.)

63a. Holding other lucrative office.—No person who holds an office the salary or annual compensation attached to which amounts to the sum of two thousand five hundred dollars shall be appointed to or hold any other office to which compensation is attached unless specially authorized thereto by law; but this shall not apply to retired officers of the Army, Navy, Marine Corps, or Coast Guard whenever they may be elected to public office or whenever the President shall appoint them to office by and with the advice and consent of the Senate. Retired enlisted men of the Army, Navy, Marine Corps, or Coast Guard retired for any cause, and retired officers of the Army, Navy, Marine Corps, or Coast Guard who have been retired for injuries received in battle or for injuries or incapacity incurred in line of duty shall not, within the meaning of this section, be construed to hold or to have held an office during such retirement. (July 31, 1894, sec. 2, 28 Stat. 205; May 31, 1924, 43 Stat. 245; July 30, 1937, sec. 6, 50 Stat. 549; June 25, 1938, 52 Stat. 1194; 5 U. S. C., sec. 62.)

70a. Travel expenses of officers and employees; transportation in privately owned motorcycles or automobiles; payments on mileage basis.—
That a civilian officer or employee engaged in necessary travel on official business away from his designated post of duty may be paid, in lieu of actual expenses of transportation, under regulations to be prescribed by the President, not to exceed 2 cents per mile for the use of a privately owned motorcycle or 5 cents per mile for the use of a privately owned automobile for such transportation, whenever such mode of travel has been previously authorized and payment on such mileage basis is more economical and advantageous to the United States. (Feb. 14, 1931, 46 Stat. 1103; Mar. 3, 1933, sec. 10, 47 Stat. 1516; Apr. 25, 1940, 54 Stat. 167; 5 U. S. C., sec. 73a.)

84. Holidays allowed per diem employees.— This statute was repealed

paragraph No. 115-5 for text of repealing act.]

95. Oaths to expense accounts.—Postmasters, assistant postmasters, collectors of customs, collectors of internal revenue, chief clerks of the various executive departments, independent establishments, and other Government agencies, or of bureaus thereof, the superintendent, the acting superintendent, custodian, and principal clerks of the various national parks and other Government reservations, superintendent, acting superintendent, and principal clerks of the different Indian superintendencies or Indian agencies, chiefs of field parties, and any officer or employee of any executive department, independent establishment, or other Government agency, in the District of Columbia or elsewhere, who shall have been designated in writing for such purpose by the head of the department, establishment, or agency concerned, are required, empowered, and authorized, when requested, to administer oaths, required by law or otherwise, to accounts for travel or other expenses against the United States, with like force and effect as officers having a seal; for such services when so rendered, or when rendered on demand by notaries public, who at the time are also salaried officers or employees of the United States, no charge shall be made; and no fee or money paid for the services herein described shall be paid or reimbursed by the United States. (Aug. 24, 1912, sec. 8, 37 Stat. 487; June 6, 1939, 53 Stat. 810; 5 U. S. C., sec. 97.)

104. Copy for annual reports and accompanying documents to be furnished printer.—The appropriations made for printing and binding shall not be used for any annual report or the accompanying documents unless the manuscript and proof therefor is furnished to the Public Printer in the following manner: Manuscript of the documents accompanying such annual reports on or before the 1st day of November of each year; manuscript of the annual reports on or before the 15th day of November of each year; complete revised proofs of the accompanying documents on the 1st day of December of each year and of the annual reports on the 10th day of December of each year; and all of said annual reports and accompanying documents shall be printed, made public, and available for distribution not later than within the first five days after the assemblying of each regular session of Congress. The provisions of this section shall not apply to the annual reports of the Smithsonian Institution, the Commissioner of Patents, the Comptroller of the Currency, or the

Secretary of the Treasury. (July 1, 1916, sec. 3, 39 Stat. 336; June

20, 1936, sec. 8, 49 Stat. 1550; 5 U. S. C., sec. 108.)

114a. Annual appropriation to sustain losses of United States employees in foreign countries due to appreciation of foreign currencies; change of effective date.—That there are authorized to be appropriated annually such sums as may be necessary to enable the President, in his discretion and under such regulations as he may prescribe and notwithstanding the provisions of any other Act and upon recommendation of the Director of the Budget, to meet losses sustained on and after July 1, 1933, by officers, enlisted men, and employees of the United States while in service in foreign countries due to the appreciation of foreign currencies in their relation to the American dollar, and to cover any deficiency in the accounts of the Treasurer of the United States, including interest, arising out of the arrangement approved by the President on July 27, 1933, for the conversion into foreign currencies of checks and drafts of officers, enlisted men, and employees for salaries and expenses: Provided, That such action as the President may take shall be binding upon all executive officers of the Government: Provided further, That no payments authorized by this Act shall be made to any officers, enlisted men, or employees for periods during which their checks or drafts were converted into foreign currencies under the arrangement hereinbefore referred to: Provided further, That allowances and expenditures pursuant to this Act shall not be subject to income taxes: And provided further, That the Director of the Budget shall report all expenditures made for this purpose to Congress annually with the Budget estimates. 1934, 48 Stat. 466; Aug. 14, 1937, 50 Stat. 641; 5 U. S. C., sec. 118c.)

115-1. Renewals of oaths of office by employees of executive departments and independent establishments.—That civilian employees of the executive departments and independent establishments of the United States who, upon original appointment, have subscribed to the oath of office required by section 1757 of the Revised Statutes, shall not be required to renew the said oath because of any change in status so long as their services are continuous in the department or independent establishment in which employed, unless in the opinion of the head of the department or independent establishment the public interests require such renewal. (Aug. 14, 1937, 50 Stat. 640;

5 U. S. C., sec. 17b.)

115-2. Compensation due Government employees authorized to be withheld.—That hereafter, whenever upon the statement of the account of any disbursing officer of the United States in the General Accounting Office credit shall have been disallowed for any payment to any person in the executive branch of the Government, otherwise entitled to compensation from the United States or from any agency or instrumentality thereof, such compensation of the payee may be withheld until full reimbursement has been accomplished under such regulations as may be prescribed by the head of the department, branch, or independent establishment (including corporations) under which such payee is entitled to receive compensation: Provided, That nothing contained in this Act shall be construed to repeal or in any way modify existing laws relating to the collection of the indebtedness of accountable or disbursing officers. (May 26, 1936, 49 Stat. 1374; 5 U.S.C., sec. 46b; see pars. 47 and 79, Laws Applicable, 1935.)

115-3. Traveling expenses on inter-island steamships in Hawaii.-Whenever by or under authority of law actual expenses for travel may be allowed to officers and employees of the United States, such allowance, in the case of travel after the date of the enactment of this Act [Revenue Act of 1938] on inter-island steamships in the Territory of Hawaii, shall not exceed the rate for accommodations on such steamships equivalent as nearly as may be to the lowest firstclass accommodations on transpacific steamships. The maximum fixed by this section shall be in lieu of the maximum fixed by section 10 of the Treasury and Post Office Appropriation Act for the fiscal year ending June 30, 1934 (47 Stat. 1516). (May 28, 1938, title V, sec. 811, 52 Stat. 577; 5 U.S.C., sec. 73e.

115-4. Allotment of pay by civilian officers and employees stationed abroad authorized.—That the heads of the executive departments and establishments of the United States, under such regulations as they may prescribe, be, and are hereby, authorized to permit civilian officers and employees, during such time as they may be assigned for duty outside the continental limits of the United States, to make allotments, in whole or in part, from their pay, for the support of their families or relatives, for their own savings, or for other similar

purposes. (May 14, 1937, 50 Stat. 166; 5 U. S. C., sec. 75c.

115-5. Holidays of employees by day, hour, or piece; pay.—That hereafter whenever regular employees of the Federal Government whose compensation is fixed at a rate per day, per hour, or on a piecework basis are relieved or prevented from working solely because of the occurrence of a holiday such as New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, or any other day declared a holiday by Federal statute or Executive order, or any day on which the departments and establishments of the Government are closed by Executive order, they shall receive the same pay for such days as for other days on which an ordinary day's work is performed. (June 29, 1938, sec. 1, 52 Stat. 1246; 5 U.S.C., sec. 86a.)

The joint resolution of January 6, 1885 (U.S. C., title 5, sec. 86), and all other laws inconsistent or in conflict with the provisions of this Act are hereby repealed to the extent of such inconsistency or (June 29, 1938, sec. 2, 52 Stat. 1247; 5 U. S. C., sec. 86a

note.)

115-6. Same; Armistice Day.-That the 11th day of November in each year, a day to be dedicated to the cause of world peace and to be hereafter celebrated and known as Armistice Day, is hereby made a legal public holiday to all intents and purposes and in the same manner as the 1st day of January, the 22d day of February, the 30th day of May, the 4th day of July, the first Monday of September, and Christmas Day are now made by law public holidays. (May 13, 1938, 52 Stat. 351; 5 U. S. C., sec. 87a.)

115-7. Exchange of refrigerators, temperature control devices, watchmen's clocks, etc.—That any Government department is authorized to exchange used parts of mechanical refrigerators, hermetically sealed refrigerating units, temperature control devices, and watchmen's clocks as payment, in full or in part, for new or reconditioned parts to be used for the same purpose as those proposed to be exchanged.

(Apr. 15, 1937, 50 Stat. 64; 5 U. S. C., sec. 118d.)

115-8. Detail of United States employees to Governments of American Republics, Philippines and Liberia authorized.—That the President of the United States be, and hereby is, authorized, whenever he finds that the public interest renders such a course advisable, upon agreement with the government of any other American republic or the Government of the Commonwealth of the Philippine Islands, or the Government of Liberia, if such government is desirous of obtaining the services of a person having special scientific or other technical or professional qualifications, other than those persons covered by the Act of May 19, 1926 (44 Stat. 565), as amended by the Act of May 14, 1935 (49 Stat. 218), from time to time to detail for temporary service of not exceeding one year at a time, under such government, any such person in the employ of the Government of the United States: Provided, That the President may, in extraordinary circumstances, extend the period of such detail for one or more additional periods of not to exceed six months each: Provided further, That while so detailed, such person shall be considered, for the purpose of preserving his rights and privileges as such, an officer or employee of the Government of the United States and of the department or agency from which detailed and shall continue to receive therefrom compensation, and he may receive additional compensation from the department or agency from which detailed not to exceed 50 per centum of the compensation he was receiving as an officer or employee of the United States at the time of detail, and shall receive from the United States reimbursement for travel expenses to and from the place of detail and monthly allowances determined by the President to be adequate for quarters and subsistence during the period of such detail. The additional compensation, travel expenses, and other allowances authorized by this Act to be paid to any such officer or employee shall be paid from any appropriations available for the payment of compensation and travel expenses of the officers and employees of the department or agency from which he is detailed: Provided, however, That if any government to which a detail is authorized by this Act shall express the desire to reimburse this Government in whole or in part for the expenses of such detail, the President is authorized, when he deems it in the public interest, to accept such reimbursement and the amount so received may be credited to (a) appropriations current at the time the expenses of such detail are to be or have been paid, (b) appropriations current at the time such amounts are received, or (c) in part as provided under (a) and in part as provided under (b) hereof; and such amount shall be available for the purposes of the appropriations to which credited: And provided further, That if any such government shall express the desire to provide advances of funds to be used by this Government, in whole or in part for the expenses of such detail, the President is authorized, when he deems it in the public interest, to accept such advances of funds, and the amounts so received may be established as a trust fund, to be available for the purpose and under the provisions of this Act until the termination of the detail; any unexpended balance of the trust fund to be returned to the foreign government making the advance. (May 25, 1938, 52 Stat. 442, as amended May 3, 1939, 53 Stat. 652: 5 U. S. C., sec. 118e.)

115-9. Native employees in foreign countries; last illness and burial expenses.—That the head of any executive department, which maintains permanent staffs of employees in foreign countries is hereby authorized to pay out of any appropriation available to the department concerned for miscellaneous or contingent expenses, burial expenses, and expenses in connection with last illness and death, not in excess of \$100 in any one case, of the native employees of such department in those countries with respect to which the Secretary of State shall determine it is customary for employers to pay such expenses; and the head of any executive department, which maintains permanent staffs of employees in foreign countries where such custom does not exist, is authorized, upon finding that the immediate family of the deceased is destitute, to make such payments within the limitations prescribed above to the family, heirs-at-law, or persons responsible for the debts of the deceased, as the officer in charge of the office abroad in which the deceased was employed shall determine to be proper. (July 15, 1939, 53 Stat. 1043; 5 U.S. C., sec. 118f.)

115-10. Reorganization of Executive and Administrative Agencies; Declaration of objects and purposes.—(a) The Congress hereby declares that by reason of continued national deficits beginning in 1931 it is desirable to reduce substantially Government expenditures and that such reduction may be accomplished in some measure by proceeding immediately under the provisions of this Act. The President shall investigate the organization of all agencies of the Government and shall determine what changes therein are necessary to accomplish the

following purposes:

(1) To reduce expenditures to the fullest extent consistent with

the efficient operation of the Government;

(2) To increase the efficiency of the operations of the Government to the fullest extent practicable within the revenues;

(3) To group, coordinate, and consolidate agencies of the Govern-

ment, as nearly as may be, according to major purposes;

(4) To reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies as may not be necessary for the efficient conduct of the Government; and

(5) To eliminate overlapping and duplication of effort.

(b) The Congress declares that the public interest demands the carrying out of the purposes specified in subsection (a) and that such purposes may be accomplished in great measure by proceeding immediately under the provisions of this title, and can be accomplished more speedily thereby than by the enactment of specific legislation. (Apr. 3, 1939, title I, part 1, sec. 1, 53 Stat. 561; 5 U. S. C., sec. 133.)

NOTE.—By the terms of a provision preceding section 1 of this Act, which constitutes paragraphs 115-10 to 115-30, the act herein is to be cited as the "Reorganization Act of 1939."

115-11. Term "agency" defined.—When used in this title, the term "agency" means any executive department, commission, independent establishment, corporation owned or controlled by the United States, board, bureau, division, service, office, authority, or administration, in the executive branch of the Government. (Apr. 3, 1939, title I, part 1, sec. 2, 53 Stat. 561; 5 U. S. C., sec. 133a.)

115-12. Limitations on reorganization plan.—No reorganization plan under section 4 shall provide—

(a) For the abolition or transfer of an executive department or all the functions thereof or for the establishment of any new executive

department;

(b) In the case of the following agencies, for the transfer, consolidation, or abolition of the whole or any part of such agency or of its head, or of all or any of the functions of such agency or of its head: Civil Service Commission, Coast Guard, Engineer Corps of the United States Army, Mississippi River Commission, Federal Communications Commission, Federal Power Commission, Federal Trade Commission, General Accounting Office, Interstate Commerce Commission, National Labor Relations Board, Securities and Exchange Commission, Board of Tax Appeals, United States Employees Compensation Commission, United States Maritime Commission, United States Tariff Commission, Veterans' Administration, National Mediation Board, National Railroad Adjustment Board, Railroad Retirement Board, the Federal Deposit Insurance Corporation, or the Board of Governors of the Federal Reserve System; or

(c) For changing the name of any executive department or the title of its head, or for designating any agency as "Department" or

its head as "Secretary"; or

(d) For the continuation of any agency beyond the period authorized by law for the existence of such agency; or

(e) For the continuation of any function of any agency beyond the period authorized by law for the exercise of such function; or

(f) For authorizing any agency to exercise any function which is not expressly authorized by law. (Apr. 3, 1939; title I, part 1, sec.

3, 53 Stat. 561; 5 U. S. C., sec. 133b.)

115-13. Powers and duties of President; preparation and contents of reorganization plan; submission to the Congress.—Whenever the President, after investigation, finds that—

(a) the transfer of the whole or any part of any agency or the functions thereof to the jurisdiction and control of any other agency; or

(b) the consolidation of the functions vested in any agency; or

(c) the abolition of the whole or any part of any agency which agency or part (by reason of transfers under this Act or otherwise, or by reason of termination of its functions in any manner) does not have, or upon the taking effect of the reorganizations specified in the reorganization plan will not have, any functions, is necessary to accomplish one or more of the purposes of section 1 (a), he shall—

(d) prepare a reorganization plan for the making of the transfers, consolidations, and abolitions, as to which he has made findings and which he includes in the plan. Such plan shall also—

(1) designate, in such cases as he deems necessary, the name of any agency affected by a reorganization and the title

of its head;

(2) make provision for the transfer or other disposition of the records, property (including office equipment), and personnel affected by such transfer, consolidation, or abolition;

(3) make provision for the transfer of such unexpended balances of appropriations available for use in connection with the function or agency transferred or consolidated, as he deems necessary by reason of the transfer or consolidation for use in connection with the transferred or consolidated functions, or for the use of the agency to which the transfer is made, but such unexpended balances so transferred shall be used only for the purposes for which such appropriation is originally made;

(4) make provision for winding up the affairs of the

agency abolished; and

(e) transmit such plan (bearing an identifying number) to the Congress, together with a declaration that, with respect to each transfer, consolidation, or abolition referred to in paragraph (a), (b), or (c) of this section and specified in the plan, he has found that such transfer, consolidation, or abolition is necessary to accomplish one or more of the purposes of section 1 (a). The delivery to both Houses shall be on the same day and shall be made to each House while it is in session.

The President, in his message transmitting a reorganization plan, shall state the reduction of expenditures which it is probable will be brought about by the taking effect of the reorganizations specified in the plan. (Apr. 3, 1939, title I, part 1, sec. 4, 53 Stat. 562; 5 U. S. C., sec. 133c.)

115-14. Reorganizations specified in plan, when to take effect.—The reorganizations specified in the plan shall take effect in accordance

with the plan:

(a) Upon the expiration of sixty calendar days after the date on which the plan is transmitted to the Congress, but only if during such sixty-day period there has not been passed by the two Houses a concurrent resolution stating in substance that the Congress does

not favor the reorganization plan.

(b) If the Congress adjourns sine die before the expiration of the sixty-day period, a new sixty-day period shall begin on the opening day of the next succeeding regular or special session. A similar rule shall be applicable in the case of subsequent adjournments sine die before the expiration of sixty days. (Apr. 3, 1939, title I, part 1, sec. 5, 53 Stat. 562; 5 U. S. C., sec. 133d.)

115-15. Limitations on effect of reorganization plan.—No reorganization under this title shall have the effect—(a) of continuing any agency or function beyond the time when it would have terminated

if the reorganization had not been made; or

(b) of continuing any function beyond the time when the agency in which it was vested before the reorganization would have terminated if the reorganization had not been made; or

(c) of authorizing any agency to exercise any function which is not expressly authorized by law. (Apr. 3, 1939, title I, part 1, sec. 6,

53 Stat. 563; 5 U. S. C., sec. 133e.)

115-16. Reorganization, what to constitute.—For the purposes of this title any transfer, consolidation, abolition, designation, disposition, or winding up of affairs, referred to in section 4 (d), shall be deemed a "reorganization". (Apr. 3, 1939, title I, part 1, sec. 7, 53 Stat. 563; 5 U. S. C., sec. 133f.)

115-17. Effect of transfer or consolidation on orders, rules, regulations, etc., pending legal proceedings and existing laws.—(a) All orders, rules, regulations, permits, or other privileges made, issued, or granted by or in respect of any agency or function transferred to, or consolidated with, any other agency or function under the provisions of this title, and in effect at the time of the transfer or consolidation, shall continue in effect to the same extent as if such transfer or consolidation had not occurred, until modified, superseded, or repealed.

(b) No suit, action, or other proceeding lawfully commenced by or against the head of any agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of any transfer of authority, power, and duties from one officer or agency of the Government to another under the provisions of this title, but the court, on motion or supplemental petition filed at any time within twelve months after such transfer takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained by or against the head of the agency or other officer of the United States to whom the authority, powers, and duties are transferred.

(c) All laws relating to any agency or function transferred to, or consolidated with, any other agency or function under the provisions of this title, shall, insofar as such laws are not inapplicable, remain in full force and effect. (Apr. 3, 1939, title I, part 1, sec. 8, 53 Stat.

563; 5 U. S. C., sec. 133g.)

115-18. Appropriations, effect on.—The appropriations or portions of appropriations unexpended by reason of the operation of this title shall not be used for any purpose, but shall be impounded and returned to the Treasury. (Apr. 3, 1939, title I, part 1, sec. 9, 53)

Stat. 563; 5 U. S. C., sec. 133h.)

115-19. Employees affected by reduction of personnel; preference; transfer of personnel.—(a) Whenever the employment of any person is terminated by a reduction of personnel as a result of a reorganization effected under this title, such person shall thereafter be given preference, when qualified, whenever an appointment is made in the executive branch of the Government, but such preference shall not be effective for a period longer than twelve months from the date the employment of such person is so terminated.

(b) Any transfer of personnel under this title shall be without change in classification or compensation, except that this requirement shall not operate after the end of the fiscal year during which the transfer is made to prevent the adjustment of classification or compensation to conform to the duties to which such transferred personnel may be assigned. (Apr. 3, 1939, title I, part 1, sec. 10, 53 Stat.

563; 5 U. S. C., sec. 133i.)

115-20. Publication of reorganization plan.—If the reorganizations specified in a reorganization plan take effect, the reorganization plan shall be printed in the Statutes at Large in the same volume as the public laws, and shall be printed in the Federal Register. (Apr. 3, 1939, title I, part 1, sec. 11, 53 Stat. 564; 5 U. S. C., sec. 133j.)

115-21. Termination of power to effect reorganization plan.—No reorganization specified in a reorganization plan shall take effect unless the

plan is transmitted to the Congress before January 21, 1941. (Apr. 3, 1939, title I, part 1, sec. 12, 53 Stat. 564; 5 U. S. C., sec. 133k.)

115-22. Rules of Senate and House of Representatives on procedure in case of resolutions on reorganization plan.—The following sections of

this part are enacted by the Congress:

(a) As an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, but applicable only with respect to the procedure to be follower in such House in the case of resolutions (as defined in section 22); and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(b) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House. (Apr. 3, 1939, title

I, part 2, sec. 21, 53 Stat. 564; 5 U. S. C., sec. 133l.)

"resolution" means only a concurrent resolution of the two Houses of Congress, the matter after the resolution clause of which is as follows: "That the Congress does not favor the reorganization plan numbered ______ transmitted to Congress by the President on _____, 19___.", the blank spaces therein being appropriately filled; and does not include a concurrent resolution which specifies more than one reorganization plan. (Apr. 3, 1939, title I, part, 2, sec. 22, 53 Stat. 564; 5 U. S. C., sec. 133m.)

A resolution with respect to a reorganization plan to committee.—A resolution with respect to a reorganization plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be. (Apr. 3, 1939, title I, part 2, sec. 23, 53 Stat. 564; 5 U. S. C.,

sec. 133n.)

115-25. Discharge of committee considering resolution with respect to reorganization.—(a) If the committee to which has been referred a resolution with respect to a reorganization plan has not reported it before the expiration of ten calendar days after its introduction (or, in the case of a resolution received from the other House, ten calendar days after its receipt), it shall then (but not before) be in order to move either to discharge the committee from further consideration of such resolution, or to discharge the committee from further consideration of any other resolution with respect to such reorganization plan which has been referred to the committee.

(b) Such motion may be made only by a person favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same reorganization plan), and debate thereon shall be limited to not to exceed one hour, to be equally divided between those favoring and those opposing the resolution. No amendment to such motion shall be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(c) If the motion to discharge is agreed to or disagreed to, such motion may not be renewed, nor may another motion to discharge

the committees to be made with respect to any other resolution with respect to the same reorganization plan. (Apr. 3, 1939, title I, part

2, sec. 24, 53 Stat. 564; 5 U. S. C., sec. 1330.)

115-26. Procedure after report or discharge of committee; debate.—(a) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a reorganization plan, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(b) Debate on the resolution shall be limited to not to exceed ten hours, which shall be equally divided between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to. (Apr. 3, 1939, title I, part 2, sec. 25, 53 Stat. 564; 5

U. S. C., sec. 133p.)

115-27. Decisions on motions to postpone or to proceed to be without debate.—(a) All motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a reorganization plan, and all motions to proceed to the consideration of other business, shall be decided without debate.

(b) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a reorganization plan shall be decided without debate. (Apr. 3, 1939, title I, part 2, sec. 26, 53 Stat. 565; 5 U. S. C., sec. 133a.)

115-28. Procedure when one House, prior to passage of resolution, receives resolution from other House with respect to same plan.—If, prior to the passage by one House of a resolution of that House with respect to a reorganization plan, such House receives from the other House a

resolution with respect to the same plan, then—

(a) If no resolution of the first House with respect to such plan has been referred to committee, no other resolution with respect to the same plan may be reported or (despite the provisions of section 24 (a) be made the subject of a motion to discharge.

(b) If a resolution of the first House with respect to such plan

has been referred to committee—

(1) the procedure with respect to that or other resolutions of such House with respect to such plan which have been referred to committee shall be the same as if no resolution from the other House with respect to such plan had been received; but

(2) on any vote on final passage of a resolution of the first House with respect to such plan the resolution from the other House with respect to such plan shall be automatically sub-

stituted for the resolution of the first House.

(Apr. 3, 1939, title I, part 2, sec. 27, 53 Stat. 565; 5 U. S. C., sec. 133r.) 115-29. Reorganization plans number I and II; effective date.—That the provisions of reorganization plan numbered I, submitted to the

Congress on April 25, 1939, and the provisions of reorganization plan numbered II, submitted to the Congress on May 9, 1939, shall take effect on July 1, 1939, notwithstanding the provisions of the Reorganization Act of 1939. (June 7, 1939, sec. 1, 53 Stat. 813; 5 U. S. C.,

sec. 133s.)

115-30. Same; continuation of agencies beyond statutory period of termination.—Nothing in such plans or this joint resolution shall be construed as having the effect of continuing any agency or function beyond the time when it would have terminated without regard to such plans or this joint resolution or of continuing any function beyond the time when the agency in which it was vested would have terminated without regard to such plans or this joint resolution. (June 7, 1939, sec. 2, 53 Stat. 813; 5 U. S. C., sec. 133t.)

115-31. Reorganization plans number III and IV; effective date.—The provisions of Reorganization Plan Numbered III, submitted to the Congress on April 2, 1940, and the provisions of Reorganization Plan Numbered IV, submitted to the Congress on April 11, 1940, shall take effect on June 30, 1940, notwithstanding the provisions of the Reorganization Act of 1939. (June 4, 1940, sec. 4, 54 Stat. 231.)

REORGANIZATION PLAN NO. I

Effective July 1, 1939, by Act of June 7, 1939, Section 1, 53 Stat. 813; 5 U. S. C., Sec. 133s.

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, April 25, 1939, pursuant to the provisions of the Reorganization Act of 1939, approved April 3, 1939.

PART 1. EXECUTIVE OFFICE OF THE PRESIDENT

Section 1. Bureau of the Budget.—The Bureau of the Budget and all of its functions and personnel (including the Director and Assistant Director) are hereby transferred from the Treasury Department to the Executive Office of the President; and the functions of the Bureau of the Budget shall be administered by the Director thereof under the direction and supervision of the President.

Sec. 2. Central Statistical Board.—The Central Statistical Board and all of its functions and personnel (including the Chairman and the members of the Board) are hereby transferred to the Bureau of the Budget in the Executive Office of the President. The Chairman of the Board shall perform such administrative duties as the Director

of the Bureau of the Budget shall direct.

Sec. 3. Central Statistical Committee abolished and functions transferred.—The Central Statistical Committee is hereby abolished, and its functions are transferred to the Director of the Bureau of the Budget to be administered by him under the direction and supervision of the President. The Director of the Bureau of the Budget shall promptly wind up any outstanding affairs of the Central Statistical Committee.

Sec. 4. National Resources Planning Board.—(a) The functions of the National Resources Committee, established by Executive Order No. 7065 of June 7, 1935, and its personnel (except the members of the Committee) and all of the functions of the Federal Employment Stabilization Office in the Department of Commerce and its personnel are hereby transferred to the Executive Office of the President. The functions transferred by this section are hereby consolidated, and

they shall be administered under the direction and supervision of the President by the National Resources Planning Board (hereafter referred to as the Board), which shall be composed of five members to be appointed by the President. The President shall designate one of the members of the Board as Chairman and another as Vice Chairman. The Vice Chairman shall act as Chairman in the absence of the Chairman or in the event of a vacancy in that office. The members of the Board shall be compensated at the rate of \$50 per day for time spent in attending and traveling to and from meetings, or in otherwise exercising the functions and duties of the Board, plus the actual cost of transportation: *Provided*, That in no case shall a member be entitled to receive compensation for more than thirty days' service in two consecutive months.

(b) The Board shall determine the rules of its own proceedings, and a majority of its members in office shall constitute a quorum for the transaction of business, but the Board may function notwithstand-

ing vacancies.

(c) The Board may appoint necessary officers and employees and may delegate to such officers authority to perform such duties and

make such expenditures as may be necessary.

Sec. 5. National Resources Committee abolished.—The National Resources Committee is hereby abolished, and its outstanding affairs shall be wound up by the National Resources Planning Board.

SEC. 6. Federal Employment Stabilization Office abolished.—The Federal Employment Stabilization Office is hereby abolished, and the Secretary of Commerce shall promptly wind up its affairs.

Sec. 7. Transfer of records and property.—All records and property (including office equipment) of the several agencies transferred, or the functions of which are transferred, by this part are hereby transferred to the Executive Office of the President for use in the administration of the agencies and functions transferred by this part.

SEC. 8. Transfer of funds.—So much of the unexpended balances of appropriations, allocations, or other funds available (including those available for the fiscal year ending June 30, 1940) for the use of any agency in the exercise of any functions transferred by this part, or for the use of the head of any department or agency in the exercise of any functions so transferred, as the Director of the Bureau of the Budget shall determine, shall be transferred to the Executive Office of the President for use in connection with the exercise of functions transferred by this part. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer: Provided, That the use of the unexpended balances of appropriations, allocations, or other funds transferred by this section shall be subject to the provisions of section 4 (d) (3) and section 9 of the Reorganization Act of 1939.

Sec. 9. Personnel.—Any personnel transferred by this part found to be in excess of the personnel necessary for the efficient administration of the functions transferred by this part shall be re-transferred under existing law to other positions in the Government service, or separated from the service subject to the provisions of section 10 (a)

of the Reorganization Act of 1939.

PART 2. FEDERAL SECURITY AGENCY

Sec. 201. Federal Security Agency.—(a) The United States Employment Service in the Department of Labor and its functions and personnel are transferred from the Department of Labor; the Office of Education in the Department of the Interior and its functions and personnel (including the Commissioner of Education) are transferred from the Department of the Interior; the Public Health Service in the Department of the Treasury and its functions and personnel (including the Surgeon General of the Public Health Service) are transferred from the Department of the Treasury; the National Youth Administration within the Works Progress Administration and its functions and personnel (including its Administrator) are transferred from the Works Progress Administration; and these agencies and their functions, together with the Social Security Board and its functions, and the Civilian Conservation Corps and its functions, are hereby consolidated under one agency to be known as the Federal Security Agency, with a Federal Security Administrator at the head thereof. The Federal Security Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary at the rate of \$12,000 per annum. He shall have general direction and supervision over the administration of the several agencies consolidated into the Federal Security Agency by this section and shall be responsible for the coordination of their functions and activities.

(b) The Federal Security Administrator shall appoint an Assistant Federal Security Administrator, who shall receive a salary at the rate of \$9,000 per annum, and he may also appoint such other personnel

and make such expenditures as may be necessary.

(c) The Assistant Administrator shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in that office and shall perform such other duties as the Administrator shall direct.

(d) The several agencies and functions consolidated by this section into the Federal Security Agency shall carry with them their

personnel.

Sec. 202. Social Security Board.—The Social Security Board and its functions shall be administered as a part of the Federal Security Agency under the direction and supervision of the Federal Security Administrator. The Chairman of the Social Security Board shall perform such administrative duties as the Federal Security Administrator shall direct.

Src. 203. United States Employment Service.—(a) The functions of the United States Employment Service shall be consolidated with the unemployment compensation functions of the Social Security Board and shall be administered in the Social Security Board in connection with such unemployment compensation functions under the direction and supervision of the Federal Security Administrator.

(b) The office of the Director of the United States Employment Service is hereby abolished, and all of the functions of such office are transferred to, and shall be exercised by, the Social Security Board.

(c) All functions of the Secretary of Labor relating to the administration of the United States Employment Service are hereby

transferred to, and shall be exercised by, the Federal Security Administrator.

Sec. 204. Office of Education.—(a) The Office of Education and its functions shall be administered by the Commissioner of Education under the direction and supervision of the Federal Security Administrator.

(b) All functions of the Secretary of the Interior relating to the administration of the Office of Education are hereby transferred to, and shall be exercised by, the Federal Security Administrator.

Sec. 205. Public Health Service.—(a) The Public Health Service and its functions shall be administered by the Surgeon General of the Public Health Service under the direction and supervision of the

Federal Security Administrator.

(b) All the functions of the Secretary of the Treasury relating to the administration of the Public Health Service, except those functions relating to the acceptance and investment of gifts as authorized by sections 23 (b) and 137 (e), title 42, United States Code, are hereby transferred to, and shall be exercised by, the Federal Security Administrator.

SEC. 206. National Youth Administration.—The National Youth Administration and its functions shall be administered by the National Youth Administrator under the direction and supervision of the Federal Security Administrator.

Sec. 207. Civilian Conservation Corps.—The Civilian Conservation Corps and its functions shall be administered by the Director of the Civilian Conservation Corps under the direction and supervision of

the Federal Security Administrator.

SEC. 208. Transfer of records and property.—All records and property (including office equipment) of the several agencies which, with their functions, are consolidated by section 201 into the Federal Security Agency are hereby transferred to the jurisdiction and control of the Federal Security Agency for use in the administration of the

agencies and functions consolidated by that section.

SEC. 209. Transfer of funds.—So much of the unexpended balances of appropriations, allocations, or other funds (including those available for the fiscal year ending June 30, 1940) available for the use of any agency in the exercise of any functions transferred by this part, or for the use of the head of any department or agency in the exercise of any functions so transferred, as the Director of the Bureau of the Budget shall determine, shall be transferred for use in connection with the exercise of the functions transferred by this part. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer: Provided, That the use of the unexpended balances of appropriations, allocations, or other funds transferred by this section shall be subject to the provisions of section 4 (d) (3) and section 9 of the Reorganization Act of 1939.

SEC. 210. Administrative funds.—The Director of the Bureau of the Budget shall allocate to the Federal Security Agency, from appropriations, allocations, or other funds available (including those available for the fiscal year ending June 30, 1940) for the administrative ex-

penses of the agencies and functions consolidated by this part, such sums, and in such proportions, as he may find necessary for the admin-

istrative expenses of the Federal Security Agency.

SEC. 211. Personnel.—Any personnel transferred by this part found to be in excess of the personnel necessary for the efficient administration of the functions transferred by this part shall be retransferred under existing law to other positions in the Government service, or separated from the service subject to the provisions of section 10 (a) or the Reorganization Act of 1939.

PART 3. FEDERAL WORKS AGENCY

Sec. 301. Federal Works Agency.—(a) The Bureau of Public Roads in the Department of Agriculture and its functions and personnel (including the Chief thereof) are transferred from the Department of Agriculture; the Public Buildings Branch of the Procurement Division in the Treasury Department and its functions and personnel are transferred from the Treasury Department; the Branch of Buildings Management of the National Park Service in the Department of the Interior and its functions and personnel (except those relating to monuments and memorials), and the functions of the National Park Service in the District of Columbia in connection with the general assignment of space, the selection of sites for public buildings, and the determination of the priority in which the construction or enlargement of public buildings shall be undertaken, and the personnel engaged exclusively in the administration of such functions, and the United States Housing Authority in the Department of the Interior and its functions and personnel (including the Administrator) are transferred from the Department of the Interior; and all of these agencies and functions, together with the Federal Emergency Administration of Public Works and its functions, and all of the Works Progress Administration and its functions (except the National Youth Administration and its functions) are hereby consolidated into one agency to be known as the Federal Works Agency, with a Federal Works Administrator at the head thereof. The Federal Works Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary at the rate of \$12,000 per annum. He shall have general direction and supervision over the administration of the several agencies consolidated into the Federal Works Agency by this section and shall be responsible for the coordination of their functions.

(b) The Federal Works Administrator shall appoint an Assistant Federal Works Administrator, who shall receive a salary at the rate of \$9,000 per annum, and he may also appoint such other personnel and make such armondituments and he was a specific such as the salary at the salary a

make such expenditures as may be necessary.

(c) The Assistant Administrator shall act as Administrator during the absence or disability of the Administrator, or in the event of a vacancy in that office, and shall perform such other duties as the Administrator shall direct.

(d) The several agencies and functions consolidated by this section in the Federal Works Agency shall carry with them their personnel.

Sec. 302. Public Roads Administration.—(a) The Bureau of Public Roads and its functions shall be administered as the Public Roads Administration at the head of which shall be the Chief of the Bureau

of Public Roads whose title shall be changed to Commissioner of Public Roads. Hereafter the Commissioner of Public Roads shall be appointed by the Federal Works Administrator.

(b) All functions of the Secretary of Agriculture relating to the administration of the Bureau of Public Roads are hereby transferred to, and shall be exercised by, the Federal Works Administrator.

Sec. 303. Public Buildings Administration.—(a) The Public Buildings Branch of the Procurement Division and its functions, the Branch of Buildings Management of the National Park Service and its functions (except those relating to monuments and memorials) and the functions of the National Park Service in the District of Columbia in connection with the general assignment of space, the selection of sites for public buildings, and the determination of the priority in which the construction or enlargement of public buildings shall be undertaken, are hereby consolidated and shall be administered as the Public Buildings Administration, with a Commissioner of Public Buildings at the head thereof. The Commissioner of Public Buildings shall be appointed by the Federal Works Administrator and shall receive a salary at the rate of \$9,000 per annum. The Commissioner of Public Buildings shall act under the direction and supervision of the Federal Works Administrator.

(b) All functions of the Secretary of the Treasury and the Director of Procurement relating to the Administration of the Public Buildings Branch of the Procurement Division and to the selection of location and sites for public buildings, and all functions of the Secretary of the Interior and the Director of the National Park Service relating to the administration of the functions of the Branch of Buildings Management and the functions of the National Park Service in the District of Columbia in connection with the general assignment of space, the selection of sites for public buildings, and the determination of the priority in which the construction or enlargement of public buildings shall be undertaken, are hereby transferred to, and shall be exercised by, the

Federal Works Administrator.

SEC. 304. United States Housing Authority.—(a) The United States Housing Authority and its functions shall be administered by the United States Housing Administrator under the direction and supervision of the Federal Works Administrator.

(b) All functions of the Secretary of the Interior relating to the administration of the United States Housing Authority are hereby transferred to, and shall be exercised by, the Federal Works Admin-

istrator.

Sec. 305. Public Works Administration.—The Federal Emergency Administration of Public Works and its functions shall be administered as the Public Works Administration with a Commissioner of Public Works at the head thereof. The Commissioner of Public Works shall be appointed by the Federal Works Administrator and shall receive a salary at the rate of \$10,000 per annum. The Commissioner of Public Works shall act under the direction and supervision of the Federal Works Administrator.

Sec. 306. Work Projects Administration.—The Works Progress Administration and its functions (except the National Youth Administration and its functions) shall be administered as the Work Projects Administration, with a Commissioner of Work Projects at the head

thereof. The Commissioner shall be appointed by the Federal Works Administrator and shall receive a salary at the rate of \$10,000 per annum. The Commissioner shall act under the direction and super-

vision of the Federal Works Administrator.

SEC. 307. Transfer of records and property.—All records and property (including office equipment) of the several agencies which, with their functions, are consolidated by section 301 into the Federal Works Agency are hereby transferred to the jurisdiction and control of the Federal Works Agency for use in the administration of the agencies

and functions consolidated by that section.

Sec. 308. Transfer of funds.—(a) So much of the unexpended balances of appropriations, allocations, or other funds available (including those available for the fiscal year ending June 30, 1940) for the use of any agency (except the United States Housing Authority) in the exercise of any functions transferred by this part, or for the use of the head of any department or agency in the exercise of any functions so transferred, and so much of such balances available to the United States Housing Authority for administrative expenses, as the Director of the Bureau of the Budget shall determine, shall be transferred for use in connection with the exercise of the functions transferred by this Part. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer: Provided, That the use of the unexpended balances of appropriations, allocations, or other funds transferred by this section shall be subject to the provisions of section 4 (d) (3) and section 9 of the Reorganization Act of 1939.

(b) All unexpended balances of appropriations, allocations, or other funds available (including those available for the fiscal year ending June 30, 1940) for the use of the United States Housing Authority, other than those transferred by subsection (a) of this section, are hereby transferred with the United States Housing Authority and

shall remain available to it for the exercise of its functions.

Sec. 309. Administrative funds.—The Director of the Bureau of the Budget shall allocate to the Federal Works Agency, from appropriations, allocations, or other funds available (including those available for the fiscal year ending June 30, 1940) for the administrative expenses of the agencies and functions consolidated by section 301, such sums, and in such proportions, as he may find necessary for the administrative expenses of the Federal Works Agency.

Sec. 310. Personnel.—Any of the personnel transferred by this part found to be in excess of the personnel necessary for the efficient administration of the functions transferred by this part shall be retransferred under existing law to other positions in the Government service, or separated from the service subject to the provisions of section 10 (a)

of the Reorganization Act of 1939.

PART 4. LENDING AGENCIES

Section 401. (a) Transfers to the Department of Agriculture.—The Farm Credit Administration, the Federal Farm Mortgage Corporation, and the Commodity Credit Corporation, and their functions and activities, together with their respective personnel, records, and property

(including office equipment), are hereby transferred to the Department of Agriculture and shall be administered in such Department under the general direction and supervision of the Secretary of Agriculture, who shall be responsible for the coordination of their func-

tions and activities.

(b) Transfer of Administrative Funds.—So much of the unexpended balances of appropriations, allocations, or other funds available (including those available for the fiscal year ending June 30, 1940) for the administrative expenses of any agency transferred by this section, as the Director of the Bureau of the Budget shall determine, shall be transferred to the Secretary of Agriculture for such use; and the Director of the Bureau of the Budget shall allocate to the Secretary of Agriculture from such funds, such sums, and in such proportions, as he may find necessary for the administrative expenses of the Secretary of Agriculture in connection with the agencies and functions transferred by this section. In determining the amount to be transferred, the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer. The use of the unexpended balances of appropriations, allocations, or other funds transferred by this subsection shall be subject to the provision of section 4 (d) (3) and section 9 of the Reorganization Act of 1939.

(c) Transfer of other funds.—All unexpended balances of appropriations, allocations, or other funds, other than those mentioned in subsection (b) of this section, available (including those available for the fiscal year ending June 30, 1940) for any agency transferred by subsection (a) of this section shall be transferred with such agency and

shall remain available to it for the exercise of its functions.

(d) Personnel.—Any of the personnel transferred by this section to the Department of Agriculture which the Secretary of Agriculture shall find to be in excess of the personnel necessary for the administration of the functions transferred by this section shall be retransferred under existing law to other positions in the Government, or separated from the service subject to the provisions of section 10 (a) of the Reorganization Act of 1939.

SEC. 402. (a) Federal Loan Agency.—There shall be at the seat of the Government a Federal Loan Agency, with a Federal Loan Administrator at the head thereof. The Federal Loan Administrator shall be appointed by the President by and with the advice and consent of the Senate, and shall receive a salary at the rate of \$12,000

ner annum

(b) Assistant Federal Loan Administrator.—The Federal Loan Administrator shall appoint an Assistant Federal Loan Administrator, who shall receive a salary at the rate of \$9,000 per annum. The Assistant Administrator shall act as Administrator during the absence or disability of the Administrator, or in the event of a vacancy in that office, and shall perform such other duties as the Administrator shall direct.

(c) Powers and duties of Administrator.—The Administrator shall supervise the administration, and shall be responsible for the coordination of the functions and activities, of the following agencies: Reconstruction Finance Corporation, Electric Home and Farm Au-

thority, RFC Mortgage Company, Disaster Loan Corporation, Federal National Mortgage Association, Federal Home Loan Bank Board, Home Owners' Loan Corporation, Federal Savings and Loan Insurance Corporation, Federal Housing Administration, and Export-Import Bank of Washington. The Administrator may appoint such officers and employees and make such expenditures as may be

(d) Administrative funds.—The Director of the Bureau of the Budget shall allocate to the Federal Loan Agency, from appropriations, allocations, or other funds available (including those available for the fiscal year ending June 30, 1940) for the administrative expenses of the agencies named in this section, such sums, and in such proportion, as he may find necessary for the administrative expenses of the Federal Loan Agency.

FIRST PLAN ON GOVERNMENT REORGANIZATION

Message from

THE PRESIDENT OF THE UNITED STATES

Transmitting

THE FIRST PLAN ON GOVERNMENT REORGANIZATION AND ACCOM-PANYING ORDERS

April 25, 1939.—Referred to the Select Committee on Government Organization and ordered to be printed

To the Congress of the United States:

Pursuant to the provisions of the Reorganization Act of 1939 (Public, No. 19, 76th Cong., 1st sess.) approved April 3, 1939, I herewith transmit Reorganization Plan No. I, which, after investigation, I have prepared in accordance with the provisions of section 4 of the act; and I declare that with respect to each transfer, consolidation, or abolition made in Reorganization Plan No. I, I have found that such transfer, consolidation, or abolition is necessary to accomplish one or more of the purposes of section 1 (a) of the act.

In these days of ruthless attempts to destroy democratic government, it is boldly asserted that democracies must always be weak in order to be democratic at all; and that, therefore, it will be easy to crush all free states out of existence.

Confident in our Republic's 150 years of successful resistance to all subversive attempts upon it, whether from without or within, nevertheless we must be constantly alert to the importance of keeping the tools of American democracy up to date. It is our responsibility to make sure that the people's government is in condition to carry out the people's will, promptly, effectively, without waste or lost motion.

In 1883 under President Arthur we strengthened the machinery of democracy by the Civil Service law; beginning in 1905 President Roosevelt initiated important inquiries into Federal administration; in 1911 President Taft named the Economy and Efficiency Commission which made very important recommendations; in 1921 under Presidents Wilson and Harding we tightened up our budgetary procedure. Presidents Theodore Roosevelt, Taft, Wilson, Harding, Coolidge, and Hoover in succession strongly recommended the rearrangement of Federal administrative activities. In 1931 proposed, on the basis of an inquiry authorized and appropriated for by the Congress, the strengthening of the administrative management of the executive establishment.

None of all this long series of suggestions, running over more than a quarter

of a century, was in any sense personal or partisan in design.

These measures have all had only one supreme purpose—to make democracy work—to strengthen the arms of democracy in peace or war and to ensure the solid blessings of free government to our people in increasing measure.

We are not free if our administration is weak. But we are free if we know, and others know, that we are strong; that we can be tough as well as tender

hearted; and that what the American people decide to do can and will be done, capably and effectively, with the best national equipment that modern organizing ability can supply in a country where management and organization is so well understood in private affairs.

My whole purpose in submitting this plan is to improve the administrative management of the Republic, and I feel confident that our Nation is united in

this central purpose, regardless of differences upon details.

This plan is concerned with the practical necessity of reducing the number of agencies which report directly to the President and also of giving the President assistance in dealing with the entire executive branch by modern means of administrative management.

Forty years ago in 1899 President McKinley could deal with the whole machinery of the executive branch through his 8 cabinet secretaries and the heads of 2 commissions; and there was but 1 commission of the so-called quasi-judicial type in existence. He could keep in touch with all the work through 8 or 10 persons.

Now, 40 years later, not only do some 30 major agencies (to say nothing of the minor ones) report directly to the President, but there are several quasi-judicial bodies which have enough administrative work to require them also to see him

on important executive matters.

It has become physically impossible for one man to see so many persons, to receive reports directly from them, and to attempt to advise them on their own problems which they submit. In addition the President today has the task of trying to keep their programs in step with each other or in line with the national policy laid down by the Congress. And he must seek to prevent unnecessary duplication of effort.

The administrative assistants provided for the President in the Reorganization Act cannot perform these functions of over-all management and direction. Their task will be to help me get information, and condense and summarize it—they are not to become in any sense Assistant Presidents nor are they to have any

authority over anybody in any department or agency.

The only way in which the President can be relieved of the physically impossible task of directly dealing with 30 or 40 major agencies is by reorganization—by the regrouping of agencies according to their major purposes under responsible heads who will report to the President, just as is contemplated by the Reorganization Act of 1939.

This Act says that the President shall investigate the organization of all agencies of the Government and determine what changes are necessary to accomplish any one or more of five definite purposes:

(1) To reduce expenditures;(2) To increase efficiency;

(3) To consolidate agencies according to major purposes;

(4) To reduce the number of agencies by consolidating those having similar functions and by abolishing such as may not be necessary;

(5) To eliminate overlapping and duplication of effort.

It being obviously impracticable to complete this task at one time, but having due regard to the declaration of Congress that it should be accomplished immediately and speedily, I have decided to undertake it promptly in several steps.

The first step is to improve over-all management, that is to do those things which will accomplish the purposes set out in the law, and which, at the same time, will reduce the difficulties of the President in dealing with the multifarious agencies of the executive branch and assist him in distributing his responsibilities as the chief administrator of the Government by providing him with the necessary organization and machinery for better administrative management.

The second step is to improve the allocation of departmental activities, that is, to do those things which will accomplish the purposes set out in the law and at the same time help that part of the work of the executive branch which is carried on through executive departments and agencies. In all this the responsibility to the people is through the President.

The third step is to improve intradepartmental management, that is, to do those things which will enable the heads of departments and agencies the better to carry out their own duties and distribute their own work among their several

assistants and subordinates.

Each of these three steps may require from time to time the submission of one or more plans involving one or more reorganizations, but it is my purpose to fulfill the duty imposed upon me by the Congress as expeditiously as practicable

and to the fullest extent possible in view of the exceptions and exemptions set out in the act.

The plan I now transmit is divided into four parts or sections which I shall describe briefly as follows:

PART 1. EXECUTIVE OFFICE OF THE PRESIDENT

In my message to the Congress of January 12, 1937, in discussing the problem of how to improve the administrative management of the executive branch, I transmitted with my approval certain recommendations for strengthening and developing the management arms of the President. Those three management arms deal with (1) budget, and efficiency research, (2) planning, and (3) personnel. My accumulated experience during the 2 years since that time has deepened my conviction that it is necessary for the President to have direct access to these managerial agencies in order that he may have the machinery to enable him to carry out his constitutional responsibility, and in order that he may be able to control expenditures, to increase efficiency, to eliminate overlapping and duplication of effort, and to be able to get the information which will permit him the better to advise the Congress concerning the state of the Union and the

program of the Government.

Therefore, I find it necessary and desirable in carrying out the purposes of the act to transfer the Bureau of the Budget to the Executive Office of the President from the Treasury Department. It is apparent from the legislative history of the Budget and Accounting Act that it was the purpose in 1921 to set up an Executive Budget for which the President would be primarily responsible to the Congress and to the people, and that the Director of the Budget was to act under the immediate direction and supervision of the President. While no serious difficulties have been encountered because of the fact that the Bureau of the Budget was placed in the Treasury Department so far as making budgetary estimates has been concerned, it is apparent that its coordinating activities and its research and investigational activities recently provided for by the Congress. will be facilitated if the Bureau is not a part of 1 of the 10 executive departments. Also, in order that the Bureau of the Budget may the better carry out its work of coordination and investigation, I find it desirable and necessary in order to accomplish the purposes of the act to transfer to the Bureau of the Budget the functions of the Central Statistical Board.

By these transfers to the Executive Office, the President will be given immediate access to that managerial agency which is concerned with the preparation and administration of the Budget, with the coordination of the work of the governmental agencies, and with research and investigation necessary to accomplish

the five definite purposes of the Reorganization Act of 1939.

I also find it necessary and desirable to transfer to the Executive Office of the President the National Resources Committee, now an independent establishment, and to consolidate with it by transfer from the Department of Commerce the functions of the Federal Employment Stabilization Office, the consolidated unit to be known as the National Resources Planning Board. This Board would be made up as is the present Advisory Board of the National Resources Committee of citizens giving part-time services to the Government, who aided by their technical staff would be able to advise the President, the Congress, and the people with respect to plans and programs for the conservation of the national resources, physical and human. By these transfers to the Executive Office, the President will be given more direct access to and immediate direction over that agency which is concerned with planning for the utilization and conservation of the national resources, an indispensable part of the equipment of the Chief Executive.

On previous occasions I have recommended and I hereby renew and emphasize my recommendation that the work of this Board be placed upon a permanent

statutory basis.

Because of an exemption in the act, it is impossible to transfer to the Executive Office the administration of the third managerial function of the Government, that of personnel. However, I desire to inform the Congress that it is my purpose to name one of the administrative assistants to the President, authorized in the Reorganization Act of 1939, to serve as a liaison agent of the White House on personnel management.

In this manner, the President will be given for the first time direct access to the three principal necessary management agencies of the Government. None of the three belongs in any existing department. With their assistance, and with this

reorganization, it will be possible for the President to continue the task of making investigations of the organization of the Government in order to control expenditures, increase efficiency, and eliminate overlapping.

PART 2. FEDERAL SECURITY AGENCY

Studies heretofore made by me and researches made at my direction, as well as recommendations submitted by me to the Congress, and especially those contained in my message of January 12, 1937, indicate clearly that to carry out the purposes of the Reorganization Act of 1939 to group, coordinate, and consolidate agencies of the Government according to major purposes and to reduce the number of agencies by consolidating those having similar functions under a single head, would require the provision of 3 general agencies in addition to the 10 executive departments.

It is my objective, then, by transfer, consolidation, and abolition to set up a Federal Security Agency, a Federal Works Agency, and a Federal Loan Agency, and then to distribute among the 10 executive departments and these 3 new agencies, the major independent establishments in the Government (excepting those exempt from the operations of the act) in order to minimize overlapping and duplication, to increase efficiency and to reduce expenditures to the fullest

extent consistent with the efficient operation of the Government.

I find it necessary and desirable to group in a Federal Security Agency those agencies of the Government, the major purposes of which are to promote social and economic security, educational opportunity, and the health of the citizens of the Nation.

The agencies to be grouped are the Social Security Board, now an independent establishment, the United States Employment Service, now in the Department of Labor, the Office of Education now in the Department of the Interior, the Public Health Service now in the Treasury Department, the National Youth Administration, now in the Works Progress Administration, and the Civilian Conservation Corps, now an independent agency.

The Social Security Board is placed under the Federal Security Agency, and at the same time the United States Employment Service is transferred from the Department of Labor and consolidated with the unemployment compensation functions of the Social Security Board in order that their similar and related functions of social and economic security may be placed under a single head and their internal operations simplified and integrated.

The unemployment compensation functions of the Social Security Board and the employment service of the Department of Labor are concerned with the same problem, that of the employment, or the unemployment, of the individual

worker.

Therefore, they deal necessarily with the same individual. These particular services to the particular individual also are bound up with the public-assistance activities of the Social Security Board. Not only will these similar functions be more efficiently and economically administered at the Federal level by such grouping and consolidation, but this transfer and merger also will be to the advantage of the administration of State social security programs and result in considerable saving of money in the administrative costs of the governments of the 48 States as well as those of the United States. In addition to this saving of money there will be a considerable saving of time and energy not only on the part of administrative officials concerned with this program in both Federal and State Governments, but also on the part of employers and workers, permitting through the simplification of procedures a reduction in the number of reports required and the elimination of unnecessary duplication in contacts with workers and with employers.

Because of the relationship of the educational opportunities of the country to the security of its individual citizens, the Office of Education with all of its functions, including, of course, its administration of Federal-State programs of vocational education, is transferred from the Department of the Interior to the Federal Security Agency. This transfer does not increase or extend the activities of the Federal Government in respect to education, but does move the existing activities into a grouping where the work may be carried on more efficiently and expeditiously, and where coordination and the elimination of overlapping may be better accomplished. The Office of Education has no rela-

tionship to the other functions of the Department of the Interior.

The Public Health Service is transferred from the Treasury Department to the Federal Security Agency. It is obvious that the health activities of the

Federal Government may be better carried out when so grouped than if they are left in the Treasury, which is primarily a fiscal agency, and where the necessary relationships with other social security, employment, and educational activities now must be carried on by an elaborate scheme of interdepart-

mental committee work.

The National Youth Administration is transferred from the Works Progress Administration to the Federal Security Agency since its major purpose is to extend the educational opportunities of the youth of the country and to bring them through the processes of training into the possession of skills which enable them to find employment. Other divisions of the Federal Security Agency will have the task of finding jobs, providing for unemployment compensation, and other phases of social security, while still other units of the new agency will be concerned with the problem of primary and secondary education, as well as vocational education and job training and retraining for employment. While much of the work of the National Youth Administration has been carried on through work projects, these have been merely the process through which its major purpose was accomplished, and, therefore, this agency under the terms of the act should be grouped with the other security agencies rather than with the work agencies.

For similar reasons the Civilian Conservation Corps, now an independent establishment, is placed under the Federal Security Agency because of the fact that its major purpose is to promote the welfare and further the training of the individuals who make up the corps, important as may be the construction work which they have carried on so successfully. The Civilian Conservation Corps is a small coordinating agency which supervises work carried on with the cooperation of several regular departments and independent units of the Government. This transfer would not interfere with the plan of work heretofore carried on but it would enable the Civilian Conservation Corps to coordinate its policies, as well as its operations, with those other agencies of the Government concerned with the educational and health activities and with human security.

PART 3. FEDERAL WORKS AGENCY

In order to carry out the purpose of the Reorganization Act of 1939 I find it necessary and desirable to group and consolidate under a Federal Works Agency those agencies of the Federal Government dealing with public works not incidental to the normal work of other departments, and which administer Federal grants or loans to State and local governments or other agencies for the purposes of construction.

The agencies so to be grouped are: The Bureau of Public Roads, now in the Department of Agriculture; the Public Buildings Branch of the Procurement Division, now in the Treasury Department, and the Branch of Building Management of the National Park Service (so far as it is concerned with public buildings which it operates for other departments or agencies) now in the Department of the Interior; the United States Housing Authority, now in the Department of the Interior; the Federal Emergency Administration of Public Works (familiarly known as P. W. A.); and the Works Progress Administration (familiarly known as W. P. A.) except the functions of the National Youth Administration.

The transfer of both the Public Works Administration and the Works Progress Administration to the new Federal Works Agency would provide for both principal types of public works that have been carried on by the Federal Government directly or in cooperation with the State and local governments. I find that it will be possible to reduce administrative costs as well as to improve efficiency and to eliminate overlapping by bringing these different programs of public works under a common head. But, because of the differences that justified their separate operation in the past and differences that will continue in the future to distinguish certain phases of major public works from work relief, I find it necessary to maintain them at least for the present as separate subordinate units of the Federal Works Agency.

The present Federal Emergency Administration of Public Works is placed under the Federal Works Agency under the shorter name of Public Works

The name of the Works Progress Administration has been changed to Works Projects Administration in order to make its title more descriptive of its major purpose.

The Bureau of Public Roads is transferred from the Department of Agriculture to the Federal Works Agency and as a separate unit under the name of Public Roads Administration. This will bring the administration of the Federal roads program with its grants-in-aid to the States into coordination with other major public-works programs and other programs of grants and loans to the States.

The construction and operation of many public buildings is now carried on in two agencies which are consolidated under the new Federal Works Agency, namely the Public Buildings Branch of the Procurement Division of the Treasury Department (which is concerned with the construction of Federal buildings and with the operation of many public buildings outside the District of Columbia) and the Branch of Building Management of the National Park Service, of the Department of the Interior, which is concerned with the operation of public buildings in the District of Columbia. These two separate activities are consolidated in one unit to be known as the Public Buildings Administration. Improved efficiency, coordination of effort, and savings will result from this transfer and consolidation.

Then, also, there is transferred from the Department of the Interior to the Federal Works Agency the United States Housing Authority. The major purpose of the United States Housing Authority is to administer grants-in-aid and loans to local public housing authorities in accordance with its established standards of construction in that part of the housing field which cannot be reached economically by private enterprise. For these reasons, it should be grouped with those other agencies which have to do with public works, with grants and loans to State and local governments and with construction practices and standards.

PART 4. FEDERAL LOAN AGENCY AND TRANSFERS OF INDEPENDENT LENDING AGENCIES

In order to carry out the purposes of the Reorganization Act of 1939, I find it necessary and desirable to group under a Federal Loan Agency those independent lending agencies of the Government which have been established from time to time for the purpose of stimulating and stabilizing the financial, commercial, and industrial enterprises of the Nation.

The agencies to be grouped in the Federal Loan Agency are: The Reconstruction Finance Corporation, the Electric Home and Farm Authority, the Federal Home Loan Bank Board, the Federal Housing Administration, and their associated agencies and boards, as well as the Export-Import Bank of Washington,

Since 1916 the Congress has established from time to time agencies for providing loans, directly or indirectly, for the stimulation and stabilization of agriculture, and such agencies should in my opinion be grouped with the other agricultural activities of the Government. For that reason I find it necessary and desirable to accomplish the purposes of the act to transfer the Farm Credit Administration, the Federal Farm Mortgage Corporation, and the Commodity Credit Corporation and associated agencies to the Department of Agriculture.

ECONOMY AND EFFICIENCY

One of the five purposes of the Reorganization Act of 1939 is "to reduce expenditures to the fullest extent consistent with the efficient operation of the Government." This purpose is important in each phase of the plan here presented. The Reorganization Act prohibits abolishing functions—in other words basic services or activities performed. Therefore the reduction in expenditures to be effected must necessarily be brought about chiefly in the overhead administrative expenses of the agencies set up to perform certain functions. The chance for economy arises therefore not from stopping work, but from organizing the work and the overhead more efficiently in combination with other similar activities. Only the Congress can abolish or curtail functions now provided by law.

The overhead administrative costs of all the agencies affected in Reorganization Plan No. I is about \$235,000,000. This does not include the loans they make, the benefits they pay, the wages of the unemployed who have been given jobs; it does not include the loans and grants to States or, in short, the functional expense. It does include the overhead expense of operating and administering all these agencies.

The reduction of administrative expenditures which it is probable will be brought about by the taking effect of the reorganizations specified in the plan is estimated as nearly as may be at between \$15,000,000 and \$20,000,000 annually, a substantial lowering of the existing overhead. Certain of these economies can be brought about almost immediately, others will require a painstaking and gradual readjustment in the machinery and business practices of the Government.

Any such estimate is incomplete, however, without reference to the corresponding savings which will follow in the States and cities through the recommended consolidation of the Federal services with which they cooperate, and the improved efficiency and convenience which will be felt by citizens all over the Nation—many of whom will be able to find in a single office many of the services now scattered in several places. These economies will undoubtedly exceed the direct savings in the Federal Budget.

It will not be necessary to ask the Congress for any additional appropriations for the administrative expenses of the three consolidated agencies set up in this plan, since their costs will be met from funds now available for the administrative expenses of their component units. Actually new expenses will be only a

fractional part of the expected savings.

Neither on this Reorganization Plan No. I nor on future reorganization plans, covering interdepartmental changes and intradepartmental changes, will every person agree on each and every detail. It is true that out of the many groupings and regroupings proposed in this message a few of the individual agencies could conceivably be placed elsewhere.

Nevertheless, I have been seeking to consider the functional origin and purpose

of each agency as required by the reorganization bill itself.

If in the future experience shows that one or two of them should be regrouped, it will be wholly possible for the President and the Congress to make the change.

The plan presented herewith represents 2 years of study. It is a simple and easily understood plan. It conforms to methods of executive administration used by large private enterprises which are engaged in many lines of production. Finally, it will save a sum of money large in comparison with the existing overhead of the agencies involved.

I trust, therefore, that the Congress will view the plan as a whole and make it possible to take the first step in improving the executive administration of the

Government of the United States.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, April 25, 1939.

REORGANIZATION PLAN NO. II

Effective July 1, 1939, by paragraph 115-29 of this volume.

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 9, 1939, pursuant to the provisions of the Reorganization Act of 1939, approved April 3, 1939

PART 1. DEPARTMENTS

Section 1. State Department.—Transfers and consolidations relat-

ing to the Department of State are hereby effected as follows:

(a) Foreign Commerce Service and Foreign Agricultural Service.—
The Foreign Commerce Service of the United States and its functions in the Bureau of Foreign and Domestic Commerce of the Department of Commerce and the Foreign Agricultural Service of the United States and its functions as established by the Act of June 5, 1930 (46 Stat. 497), in the Department of Agriculture are hereby transferred to the Department of State and shall be consolidated with and administered as a part of the Foreign Service of the United States under the direction and supervision of the Secretary of State.

(b) Functions of the Secretary of Commerce and the Secretary of Agriculture transferred to the Secretary of State; exceptions.—The functions of the Secretary of Commerce with respect to the Foreign Commerce Service and the functions of the Secretary of Agriculture with respect to the Foreign Agricultural Service (other than functions with respect to such services pertaining to activities in the United States and to the compilation, publication, and dissemination of information) are hereby transferred to, and shall be exercised by, the

Secretary of State, except and provided that under regulations pre-

scribed by the President-

(1) The Secretary of State shall cause to be made such investigations relating to commercial and industrial conditions and activities in foreign countries and such other specific investigations relating to foreign commerce as the Secretary of Commerce shall determine to be in the public interest, and shall report to the Secretary of Commerce the results of, and the information secured through, such investigations. He shall also cause to be made such investigations relating to world competition and demand for agricultural products, to production, marketing, and disposition of such products in foreign countries, and to farm management and other phases of agricultural industry in foreign countries, and shall conduct abroad such activities (including the demonstration of standards for cotton, wheat, and other American agricultural products), as the Secretary of Agriculture shall determine to be in the public interest, and shall report to the Secretary of Agriculture the results of, and the information secured through, such investigations and activities.

(2) The Secretary of Commerce may from time to time when he deems it in the public interest designate any officer in his Department to render temporary service under the provisions of, and subject to the conditions named in, section 5 of the Act of March 3, 1927 (44)

Stat. 1396).

(3) The Secretary of Agriculture may from time to time when he deems it in the public interest designate any officer in his Department to render temporary service under the provisions of, and subject to the conditions named in, section 2 of the Act of June 5, 1930 (46 Stat. 498).

(4) The Secretary of Commerce and the Secretary of Agriculture may each designate an officer in his Department, acceptable to the Secretary of State, to serve in the Department of State as liaison officer in connection with the administration of the foreign service of the

United States.

(5) One officer in the Department of Commerce designated by the Secretary of Commerce and acceptable to the Secretary of State and one officer in the Department of Agriculture designated by the Secretary of Agriculture and acceptable to the Secretary of State shall be added to the membership of the Board of Foreign Service Personnel

for the Foreign Service.

(c) Status of Foreign Service Officers.—Foreign Commerce Service officers and Foreign Agricultural Service officers who by reason of transfer to the Foreign Service of the United States and by appointment according to law acquire status of Foreign Service officers therein shall not be included in the total number of officers in such Service for the purpose of determining the percentage limitation established by section 10 of the Act of February 23, 1931 (46 Stat. 1207), as amended.

(d) China Trade Act Registrar.—Such officer of the Foreign Service as the Secretary of State shall make available for that purpose may be authorized by the Secretary of Commerce to perform the duties of China Trade Act Registrar provided for in the Act of September 19, 1922 (42 Stat. 849), under the direction of the Secretary of

Commerce.

(e) Foreign Service Buildings Commission.—The Foreign Service Buildings Commission and its function are hereby transferred to the Department of State. The Commission shall exercise advisory functions, but all other functions (including administrative functions) shall be exercised under the direction and supervision of the Secretary of State by such division, bureau, or office in the Department of State as the Secretary shall determine.

Sec. 2. Treasury Department.—Transfers, consolidations, and abolitions relating to the Department of the Treasury are hereby effected

as follows:

(a) Bureau of Lighthouses.—The Bureau of Lighthouses in the Department of Commerce and its functions are hereby transferred to and shall be consolidated with and administered as a part of the

Coast Guard in the Department of the Treasury.

(b) Director General of Railroads: Office abolished and functions transferred.—The office of Director General of Railroads is hereby abolished. The functions and duties of the Director General of Railroads are hereby transferred to the Secretary of the Treasury to be exercised and performed by him personally or through such officer or officers of the Department of the Treasury as he may authorize. The Secretary of the Treasury is hereby designated as the agent provided for in section 206 of the Transportation Act, 1920 (41 Stat. 461).

(c) War Finance Corporation abolished.—All of the functions property, and obligations of the War Finance Corporation not here-tofore transferred by statute to the Secretary of the Treasury are hereby transferred to the Department of the Treasury. The War Finance Corporation is hereby abolished and the Secretary of the Treasury shall complete the winding up of its affairs and shall dispose of its assets in accordance with the Act of March 1, 1929 (45)

Stat. 1442), not later than December 31, 1939.

SEC. 3. Department of Justice.—Transfers, consolidations, and abolitions relating to the Department of Justice are hereby effected as

follows

(a) Federal Prison Industries, Inc.—The Federal Prison Industries, Inc. (together with its Board of Directors), and its functions are hereby transferred to the Department of Justice and shall be administered under the general direction and supervision of the Attorney General.

(b) National Training School for Boys.—The National Training School for Boys and its functions (including the functions of its Board of Trustees) are hereby transferred to the Department of Justice and shall be administered by the Director of the Bureau of Prisons, under the direction and supervision of the Attorney General.

(c) Board of Trustees of the National Training School for Boys abolished.—The Board of Trustees of the National Training School for Boys (including the consulting trustees) is hereby abolished.

Sec. 4. Department of the Interior.—Transfers, consolidations, and abolitions relating to the Department of the Interior are hereby effected as follows:

(a) Functions of the National Bituminous Coal Commission transferred.—The functions of the National Bituminous Coal Commission (including the functions of the members of the Commission)

are hereby transferred to the Secretary of the Interior to be administered under his direction and supervision by such division, bureau, or office in the Department of the Interior as the Secretary shall determine.

(b) National Bituminous Coal Commission abolished.—The National Bituminous Coal Commission and the offices of the members thereof are hereby abolished and the outstanding affairs of the Commission shall be wound up by the Secretary of the Interior.

(c) Office of Consumers' Counsel abolished and functions transferred.—The office of Consumers' Counsel of the National Bituminous Coal Commission is hereby abolished and its functions are transferred to, and shall be administered in, the office of the Solicitor of the Department of the Interior under the direction and supervision

of the Secretary of the Interior.

(d) Bureau of Insular Affairs.—The Bureau of Insular Affairs of the War Department and its functions are hereby transferred to the Department of the Interior and shall be consolidated with the Division of Territories and Island Possessions in the Department of the Interior and administered in such Division under the direction and supervision of the Secretary of the Interior. The office of the Chief of the Bureau and offices subordinate thereto provided for in section, 14 of the Act of June 4, 1920 (41 Stat. 769), are hereby abolished and all of the functions of such offices are transferred to, and shall be exercised by, the Director of the Division of Territories and Island Possessions.

(e) Bureau of Fisheries.—The Bureau of Fisheries in the Department of Commerce and its functions are hereby transferred to the Department of the Interior and shall be administered in that Department under the direction and supervision of the Secretary of the Interior. The functions of the Secretary of Commerce relating to the protection of fur seals and other fur-bearing animals, to the supervision of the Pribilof Islands and the care of the natives thereof, and to the Whaling Treaty Act, are hereby transferred to, and

shall be exercised by, the Secretary of the Interior.

(f) Bureau of Biological Survey.—The Bureau of Biological Survey in the Department of Agriculture and its functions are hereby transferred to the Department of the Interior and shall be administered in that Department under the direction and supervision of the Secretary of the Interior. The functions of the Secretary of Agriculture relating to the conservation of wildlife, game, and migratory birds are hereby transferred to, and shall be exercised by, the Secretary of the Interior. The provisions of the Act of May 18, 1934 (c. 299, 48 Stat. 780), as amended by the Act of February 8, 1936 (c. 40, 49 Stat. 1105), insofar as they relate to officers or employees of the Department of Agriculture designated by the Secretary of Agriculture to enforce any act of Congress for the protection, preservation, or restoration of game and other wildlife and animals shall apply to officers and employees of the Department of the Interior designated by the Secretary of the Interior to exercise and discharge such duties.

(g) Officers of Biological Survey may administer oaths.—The provisions of the Act of January 31, 1925 (C. 124, 43 Stat. 803), shall be applicable to such officers, agents, or employees of the Department of the Interior performing functions of the Bureau of Bio-

logical Survey as are designated by the Secretary of the Interior

for the purposes named in the Act.

(h) Migratory Bird Conservation Commission.—The Secretary of the Interior shall be chairman of the Migratory Bird Conservation Commission, and the Secretary of Agriculture shall be a member thereof.

(i) Mount Rushmore National Memorial Commission.—The Mount Rushmore National Memorial Commission and its functions are hereby transferred to the National Park Service in the Department of the Interior. The functions vested in the Commission by section 3 and 4 (a) of the Act of June 15, 1938 (c. 402, 52 Stat. 694) shall continue to be exercised by the Commission. All other functions of the Mount Rushmore National Memorial Commission shall be administered by the National Park Service under the direction and supervision of the Secretary of the Interior.

Sec. 5. Department of Agriculture: Rural Electrification Administration transferred.—The Rural Electrification Administration and its functions and activities are hereby transferred to the Department of Agriculture and shall be administered in that Department by the Administrator of the Rural Electrification Administration under the general direction and supervision of the Secretary of Agriculture.

Sec. 6. Department of Commerce: Transfer of Inland Waterways Corporation.—The Inland Waterways Corporation and all of its functions and obligations are hereby transferred to the Department of Commerce and shall be administered in that Department under the supervision and direction of the Secretary of Commerce. The capital stock of the Corporation shall continue to be held for the United States by the Secretary of the Treasury, but all other functions, rights, privileges, and powers and all duties and liabilities of the Secretary of War relating to the Inland Waterways Corporation are hereby transferred to, and shall be exercised, performed, and discharged by, the Secretary of Commerce. The Secretary of Commerce shall be substituted for the Secretary of War, as and shall be deemed to be, the incorporator of the Inland Waterways Corporation.

PART 2. INDEPENDENT AGENCIES

Section 201. Federal Security Agency.—Transfers and consolidations relating to the Federal Security Agency are hereby effected as follows:

(a) Radio Service and United States Film Service transferred.—
The functions of the Radio Division and the United States Film Service of the National Emergency Council are hereby transferred to the Federal Security Agency and shall be administered in the Office of Education under the direction and supervision of the Federal Security Administrator.

(b) American Printing House for the Blind.—The functions of the Secretary of the Treasury with respect to the administration of the appropriations for the American Printing House for the Blind (except the function relating to the perpetual trust fund) are hereby transferred to the Federal Security Agency and shall be administered under the direction and supervision of the Federal Security Administrator. The annual report and vouchers required to be furnished to the Secretary of the Treasury by the trustees of the American

Printing House for the Blind shall be furnished to the Federal Security Administrator.

Sec. 202. National Archives.—Transfers, consolidations, and abolitions relating to the National Archives are hereby effected as follows:

(a) Functions of Codification Board transferred.—The functions of the Codification Board, established by the Act of June 19, 1937 (50 State. 304), are hereby transferred to the National Archives and shall be consolidated in that agency with the functions of the Division of the Federal Register and shall be administered by such Division under the direction and supervision of the Archivist.

(b) Codification Board abolished.—The Codification Board is hereby abolished and its outstanding affairs shall be wound up by the Archivist through the Division of the Federal Register in the National

Archives.

PART 3. EXECUTIVE OFFICE OF THE PRESIDENT

Section 301. Transfers and abolitions relating to the Executive

Office of the President are hereby effected as follows:

(a) Functions of National Emergency Council transferred.—All functions of the National Emergency Council other than those relating to Radio Service and Film Service (transferred by Section 201 (a) of this plan to the Federal Security Agency) are hereby transferred to the Executive Office of the President and shall be administered under the direction and supervision of the President.

(b) National Emergency Council abolished.—The National Emergency Council is hereby abolished and its outstanding affairs shall be

wound up under the direction and supervision of the President.

PART 4. GENERAL PROVISIONS

SEC. 401. Transfer of functions of heads of Departments.—Except as otherwise provided in this Plan, the functions of the head of any Department relating to the administration of any agency or function transferred from his Department by this Plan, are hereby transferred to, and shall be exercised by, the head of the department or agency to which such transferred agency or function is transferred by this

Plan.

Sec. 402. Transfer of records, property, and personnel.—All records and property (including office equipment) of the several agencies, and all records and property used primarily in the administration of any functions, transferred by this Plan and, except as otherwise provided, all the personnel used in the administration of such agencies and functions (including officers whose chief duties relate to such administration) are hereby transferred to the respective departments or agencies concerned, for use in the administration of the agencies and functions transferred by this Plan: Provided, That any personnel transferred to any department or agency by this section found by the head of such department or agency to be in excess of the personnel necessary for the administration of the functions transferred to his department or agency shall be retransferred under existing law to other positions in the Government service, or separated from the service subject to the provisions of section 10 (a) of the Reorganization Act of 1939.

SEC. 403. Transfer of funds.—So much of the unexpended balances of appropriations, allocations, or other funds available for the use of

any agency in the exercise of any function transferred by this Plan, or for the use of the head of any department or agency in the exercise of any function so transferred, as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred to the department or agency concerned for use in connection with the exercise of the function so transferred. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer: *Provided*, That the use of the unexpended balances of appropriations, allocations, or other funds transferred by this section shall be subject to the provisions of section 4 (d) (3) and section 9 of the Reorganization Act of 1939.

Sec. 404. Transfer of functions relating to personnel.—Except as prohibited by section 3 (b) of the Reorganization Act of 1939, all functions relating to the appointment, fixing of compensation, transfer, promotion, demotion, suspension, or dismissal of persons to or from offices and positions in any department vested by law in any officer of such department other than the head thereof are hereby transferred to the head of such department and shall be administered under his direction and supervision by such division, bureau, office, or persons

as he shall determine.

SECOND PLAN OF GOVERNMENT REORGANIZATION

Message from

THE PRESIDENT OF THE UNITED STATES

Transmitting

REORGANIZATION PLAN NO. II

May 9, 1939.—Referred to the Select Committee on Government Organization and ordered to be printed

To the Congress of the United States:

Pursuant to the provisions of the Reorganization Act of 1939 (Public, No. 19, 76th Cong., 1st sess.), approved April 3, 1939, I herewith transmit Reorganization Plan No. II, which, after investigation, I have prepared in accordance with the provisions of section 4 of the act; and I declare that with respect to each transfer, consolidation, or abolition made in Reorganization Plan No. II, I have found that such transfer, consolidation, or abolition is necessary to accomplish one or more of the purposes of section 1 (a) of the act.

In my message to the Congress on April 25, 1939, transmitting Reorganization Plan No. I, I took occasion to say that, it being obviously impracticable to complete the task of reorganization at one time, I had decided, in view of the declaration of the Congress that it should be accomplished immediately and speedily, to

undertake it in several steps.

Plan No. I, had to do with overall management. Plan No. II, transmitted herewith, is designed to improve the work of the executive branch for which, although carried on through executive departments and agencies, the responsibility to the people is through the President. It is concerned with the sole purpose of improving the administrative management of the executive branch by a more logical grouping of existing units and functions and by a further reduction in the number of independent agencies.

I am transmitting Reorganization Plan No. II as the result of studies that have been made for me and of my own experience over a period of several years, as the best way in which to regroup the agencies affected so as to fulfill the purposes

of the act:

To reduce expenditures;
 To increase efficiency;

3. To consolidate agencies according to major purposes;

4. To reduce the number of agencies by consolidating those having similar functions and by abolishing such as may not be necessary; and

5. To eliminate overlapping and duplication of effort.

The plan I now transmit I shall describe briefly as follows:

I propose to transfer the Foreign Commerce Service of the United States and its functions now in the Bureau of Foreign and Domestic Commerce of the Department of Commerce and the Foreign Agricultural Service of the United States and its functions in the Department of Agriculture to the Department of State, and to consolidate them with the Foreign Service of the United States under the

direction and supervision of the Secretary of State.

By this transfer and consolidation, there will be a single Foreign Service in the Department of State, but this does not mean that the interests of the commercial and agricultural communities are to be neglected, for it is a part of the plan that representatives of the Secretary of Agriculture and the Secretary of Commerce shall be placed on the Board of Foreign Service Personnel and that specific investigations relating to commerce and agriculture shall be initiated directly by the Secretaries of these two Departments who will receive directly the results of investigations in their own fields.

A much greater degree of coordination and effectiveness in our foreign establishments can be achieved under the plan than has ever before been possible. The needs of the different Departments and Agencies of the Governments will be met more efficiently and the responsiveness of the foreign establishments to these

needs will be greatly improved.

The plan presupposes that it may be necessary from time to time for various Departments and Agencies of the Government to send abroad specialists and technicians for relatively temporary duty. While these will not be in the Foreign Service, strictly speaking, they will be given a suitable commission by the Department of State, on a temporary basis, so that they may have the same obliga-

tions as other officers of the Foreign Service while on duty abroad.

The plan also presupposes a special training period within the Department of Commerce and the Department of Agriculture for Foreign Service officers selected to specialize in commercial or agricultural work and contemplates the fullest utilization of the experience gained abroad by Foreign Service officers in the work of the Departments of Commerce and Agriculture in this country. There will be stationed in the Department of State a liaison officer of the Department of Commerce and of the Department of Agriculture to make effective the proposed cooperation.

The plan specifically leaves undisturbed the relationships of the Department of Commerce and of the Department of Agriculture with the commercial and agricultural communities. What it does do is to consolidate the foreign services into one Foreign Service in the Department of State, where it ought to be, with the resulting advantages of economy, efficiency, better functional grouping, elimination of overlapping and duplication of effort, and greater service to our com-

mercial and agricultural interests.

There is also transferred to the Department of State the Foreign Service Buildings Commission and its functions. This Commission is advisory to the administrative work of the Department of State and should no longer have the status

of an independent establishment.

The Bureau of Lighthouses now in the Department of Commerce is transferred to the Treasury Department and consolidated with the Coast Guard in that Department. The advantages of this consolidation are obvious and fall clearly within the provision of the act requiring me to consolidate agencies according to major purposes. This will save money on equipment and administration and will permit the better use of personnel.

The plan also includes the abolition of the Office of the Director General of Railroads and of the War Finance Corporation and the transfer of their functions to the Secretary of the Treasury to be wound up by him as rapidly as may be. In the case of the War Finance Corporation, it is directed that the final dis-

solution shall be accomplished not later than December 31, 1939.

I further propose to transfer to the Department of Justice the Federal Prison Industries, Inc., and the National Training School for Boys, and at the same time to abolish the board of trustees of the National Training School for Boys. Responsibility for the Federal penal and correctional institutions is in the Department of Justice and these two independent establishments should be consoli-

dated therein. None of the other Federal penal or correctional institutions has a board of trustees and there is no need of further continuing the board of the National Training School.

The plan also provides for the abolition of the Codification Board established for the purpose of codifying existing administrative law and the transfer of its functions to the Division of the Federal Register in the National Archives. The work of this board has now progressed to the point where a separate board is no longer necessary and the future work of keeping the codification up to date can more efficiently and economically be carried on by the editorial staff of the Federal

I find it necessary and desirable in order to accomplish the purposes of the Reorganization Act to abolish the National Bituminous Coal Commission and to transfer its functions to the Secretary of the Interior. Thus the task of conserving the bituminous-coal resources of the country may be carried on directly by the head of the Department principally responsible for the conservation of fuel and other mineral supplies. The Congress placed this Commission in the Department of the Interior, but experience has shown that direct administration will be cheaper, better, and more effective than through the cumbersome medium of an unnecessary commission.

The transfer to the Department of the Interior of the Bureau of Insular Affairs in the War Department and its consolidation with the Division of Territories and Island Possessions in Interior is a functional transfer of obvious desirability. Under the provisions of existing law, however, I shall direct, where necessary, that certain correspondence from the Governor General of the Philippines shall

be transmitted to the President through the Department of State.

The plan provides for the transfer to the Department of the Interior of the Bureau of Fisheries from the Department of Commerce and of the Bureau of Biological Survey from the Department of Agriculture. These two Bureaus have to do with conservation and utilization of the wildlife resources of the country, terrestrial and aquatic. Therefore, they should be grouped under the same departmental administration, and in that Department which, more than any other, is directly responsible for the administration and conservation of the public domain. However, I intend to direct that the facilities of the Department of Agriculture shall continue to be used for research studies which have to do with the protection of domestic animals from diseases of wildlife; and also where most economical for the protection to farmers and stockmen against predatory animals.

The plan also provides for the transfer of the Mount Rushmore National Memorial Commission to the National Park Service in the Department of the Interior in order that this great memorial may be administered as a part of the

similar work of the Park Service.

Included in the plan is a provision to transfer to the Department of Agriculture the Rural Electrification Administration, now operated as an independent estab-The work of this administration in its educational as well as its lending functions is clearly a part of the rural life activities of the country and should, therefore, be administered in coordination with the other agricultural activities of the Government.

The Inland Waterways Corporation is transferred to the Department of Commerce from the War Department. This corporation, which operates inland waterways transportation facilities, should be coordinated with the administra-

tion of other aids to commerce and industry.

I propose to transfer to the Federal Security Agency, for administration in the Office of Education, the film and radio functions of the National Emergency Council. These are clearly a part of the educational activities of the Government and should be consolidated with similar activities already carried on in the Office of Education. Similarly, Government participation in the work of the American Printing House for the Blind, except fiscal functions relating to trust funds, is transferred from the Secretary of the Treasury to the Federal Security Agency, in order that this work may be coordinated with the other work for the blind now being carried on in the Social Security Board.

The plan provides for the abolition of the National Emergency Council and

the transfer to the Executive Office of the President of all its functions with the exception of the film and radio activities which go to the Office of Education. Subject to appropriations by the Congress these activities transferred to the White House would be administered in the manner best designed to give the

President the information he requires from all parts of the country.

The National Emergency Council was established by Executive order in 1933 and is composed of the President, the Vice President, the Members of the Cabinet and the heads of some 23 independent establishments. Its usefulness as an actual council, which met weekly under my chairmanship, was very great in the period of the emergency which then confronted the country, but, as time has gone on, it no longer operates as a council but does continue to carry on important activities which are indispensable to the President of the United States, as well as to other branches of the Government, and the public. It maintains an information service and a press intelligence service, it publishes the United States Government Manual, and it carries on through State and central staffs an important work of coordinating and reporting.

The information service makes available general information concerning all phases of governmental activity and is provided for all who submit questions or inquiries by mail, by telephone, or by personal call. In one sense it may be called a post office address—"Uncle Sam, Post Office Box No. 1, Washington, D. C."—to which persons who want information about the Government but do not know the exact division or agency of the Government to which to apply, may write with confidence that their questions will be answered or else sent on to the

proper agency for direct reply.

The press intelligence service carried on in the Council is not a service for giving intelligence to the press, but rather for making available to responsible persons in the Government, both in the executive and in the legislative branches, a clipping service, which shows what the press of the country has printed. The partial consolidation of clipping services in this unit—a consolidation which should go further—already has resulted in economy and convenience. A clipping service of this kind, on a smaller scale, was maintained for many years in the White House but it was not then available to other branches of the Government. Its return to the White House with the additional feature of availability to all the rest of the Government will promote efficiency without violating tradition.

The publication of the United States Government Manual makes available to every citizen a simplified textbook of information as to the organization and availability of the Federal agencies. Published in loose-leaf form, it is sold by the

Superintendent of Documents of the Government Printing Office.

The coordinating and reporting functions of the Council have to do with the presentation to the President of factual information, independently gathered, as to the progress and effect of our governmental activities. Through its State offices the Council has been able to facilitate the various Federal programs par-

ticularly with respect to State and local governments.

The plan also includes certain general provisions in order to accomplish fully the purposes of the act. In addition to the transfer of bureaus and other units, it is necessary also to transfer certain functions of heads of departments; to transfer records, property, and personnel; to transfer funds; and to provide that the power of appointment occasionally, and sometimes apparently quite accidentally, vested in a subordinate official of a department, shall be vested in the head of the department. It is impossible to exercise the proper direction and supervision over subordinate units unless the definite power of appointment, fixing of compensation, transfer, and promotion or dismissal of personnel is vested in the principal responsible head. In no other way can the purpose of consolidating similar functions under a single head as required by the act be accomplished in practice.

It is one of the five purposes of the Reorganization Act "to reduce expenditures to the fullest extent consistent with the efficient operation of the Government." This is an important purpose in each phase of the plan here presented. The Reorganization Act prohibits abolishing functions—in other words, basic services or activities performed. Therefore, the reduction in expenditures must necessarily be brought about chiefly in the overhead administrative expenses of the agencies affected. In a great many cases the economies to be effected by Reorganization Plan No. II will be the result of improved efficiency which will, as the plan works out, require fewer persons to perform the work or will require the employment of

less temporary assistance.

In the case of the consolidation of the foreign services, it is estimated that the administration by a single administrative unit in the Department of State will achieve a saving of \$20,000 a year and that consolidation of the three field forces will make it possible to drop alien employees and, by a more effective use of personnel, to save an additional \$100,000 a year when the

readjustments have been made.

The total administrative expense of all of the agencies affected by this plan

is about \$25,000,000 per annum.

The reduction of such expenditures, which it is probable will be brought about by the taking effect of the reorganizations specified in the plan, is estimated at \$1,250,000 per annum. Certain of these economies can be brought about at once. Others will require a gradual readjustment in machinery and

business practices of the agencies affected.

May I repeat what I said in my message transmitting Reorganization Plan No. I, that in this as in future reorganization plans not every person will agree on each and every detail. Out of the many groupings and regroupings proposed, a few of the individual agencies conceivably could be placed elsewhere, but I have been seeking to consider the functional purpose of each agency as required by the Reorganization Act itself and have made this plan with the sole purpose of improving the service rendered by the Government to its citizens in accordance with the purposes set out in the act.

In view of the fact that it is now May 9, and that any reorganization plan must lie before the Congress for 60 calendar days, and because the reorganization of an intradepartmental character require a great deal of research and careful painstaking detailed work, I do not propose to send any further gen-

eral reorganization plans to the Congress at this session.

However, there are certain transfers, abolitions, and consolidations of committees, commissions, and boards which I propose to do by means of Executive and military orders under existing law as complementary to Reor-

ganization Plan No. 11 when it becomes effective.

Then, also, by mere administrative procedure, some small agencies which have been listed in various publications as independent establishments but whose independence has no basis in law or in formal Executive or military orders, may be reassigned to an appropriate placement by administrative procedure on the part of their repective heads.

Not all of the interdepartmental transfers and consolidations that are necessary and desirable have been accomplished in this Reorganization Plan No. II. I am directing the Bureau of the Budget to study these problems in order that they may be included in plans to be transmitted to the Congress at its

next session.

For example, in order to save money and to do the work more efficiently there are some units which should be divided so that a part of the work may be done by one agency and a part by another. Take, for example, the business of mapping. It is obviously important that the work of making surveys and accumulating data for maps should be done in the various agencies which are concerned primarily with the purpose for which the map is being drawn. On the other hand, the business of manufacturing maps might very well be consolidated in order to save money, and to manufacture better maps.

I have considered the desirability of transferring the jurisdiction over deportable aliens from the Immigration and Naturalization Service in the Department of Labor to the Department of Justice, but I find that this matter will require further study, or perhaps legislation, and therefore it is not

included in this plan.

I have also considered the problem of certain public lands insofar as they present overlapping jurisdiction between the Departments of the Interior and

Agriculture.

Insofar as crops, including tree crops, are involved there is something to be said for their retention in the Department of Agriculture. But where lands are to be kept for the primary purpose of recreation and permanent public use and conservation they fall more logically into the Department of the Interior.

I hope to offer a reorganization plan on this early in the next session.

There are other types of work carried on in the Federal Government where it may prove necessary and desirable to divide the functions now being carried on by a particular unit so as the better to serve the basic purpose for which the work was undertaken. Such problems I shall continue to study with the view of sending other reorganization plans involving both interdepartmental and intradepartmental reorganizations to the Congress at its next session.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, May 9, 1939.

REORGANIZATION PLAN NO. III

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, April 2, 1940, pursuant to the provisions of the Reorganization Act of 1939, approved April 3, 1939

DEPARTMENT OF THE TREASURY

Section 1. Fiscal Service of the Treasury Department—(a) Establishment of Fiscal Service—(1) The office of the Commissioner of Accounts and Deposits, the Division of Bookkeeping and Warrants, the Division of Disbursement, the Division of Deposits, the Section of Surety Bonds, the office of the Commissioner of the Public Debt, the Division of Loans and Currency, the office of the Register of the Treasury, the Division of Public Debt Accounts and Audit, the Division of Savings Bonds, the Division of Paper Custody, and the Office of the Treasurer of the United States and their functions are consolidated into one agency of the Treasury Department to be known as the Fiscal Service, at the head of which there shall be an officer who shall be known as the Fiscal Assistant Secretary.

(2) The Fiscal Service shall consist of the Office of the Fiscal Assistant Secretary, the Office of the Treasurer of the United States, a Bureau of Accounts, and a Bureau of the Public Debt. Except as is otherwise specifically provided herein, the Secretary of the Treasury may establish such divisions and other constituent units within these

agencies as he deems necessary.

(3) The Division of Bookkeeping and Warrants and its functions are transferred to the Bureau of Accounts, at the head of which shall be the Commissioner of Accounts and Deposits, who shall hereafter

be known as the Commissioner of Accounts.

(4) The office of the Commissioner of the Public Debt, the Division of Loans and Currency, the office of the Register of the Treasury, the Division of Public Debt Accounts and Audit, the Division of Savings Bonds, and the Division of Paper Custody and their functions are consolidated into and shall be administered as the Bureau of the Public Debt, at the head of which shall be the Commissioner of the Public Dept.

(5) The functions of the Office of the Treasurer of the United States shall be administered by the Treasurer of the United States.

(6) Such functions as are consolidated into or transferred to the Fiscal Service and which are not allocated herein to particular agencies or offices of the Fiscal Service shall be administered through such units of the Service as may be designated by the Fiscal Assistant Secretary with the approval of the Secretary of the Treasury.

(7) The Fiscal Assistant Secretary shall be appointed by the Secretary of the Treasury in accordance with the civil-service laws and shall receive a salary at the rate of \$10,000 per annum. He shall, under the direction of the Secretary of the Treasury, supervise the administration of and coordinate the functions and activities consolidated into or transferred to the Fiscal Service and shall perform such other duties as the Secretary of the Treasury shall direct. In the absence or disability of the Fiscal Assistant Secretary or in the event of a vacancy in that office, the Secretary of the Treasury may designate any other officer of the Treasury Department to act as Fiscal Assistant Secretary.

(b) Transfer of certain functions to Fiscal Service.—All functions vested in the Under Secretary of the Treasury and any Assistant Secretary of the Treasury pertaining to (1) the administration of financing operations; (2) the supervision of the administration of the functions and activities of the Office of Commissioner of Accounts and Deposits, the Office of the Commissioner of the Public Debt, and the Office of the Treasurer of the United States; and (3) supervision of the administration of the accounting functions and activities in the Treasury Department and all its bureaus, divisions, and offices, are hereby transferred to and consolidated in the Fiscal Service, to be exercised by the Fiscal Assistant Secretary under the direction of the Secretary of the Treasury: Provided, That the functions included in item (3) shall be exercised through the Commissioner of Accounts.

(c) Transfer of functions relating to accounting.—All functions vested in any other officer or employee of the Treasury Department, except those excluded by section 3 (b) of the Reorganization Act of 1939, of authorizing the installation, maintenance, revision, and elimination of accounting records, reports, and procedures, are hereby transferred to and consolidated under the Fiscal Assistant Secretary,

to be exercised by him through the Commissioner of Accounts.

(d) Abolition of an office of Assistant Secretary of the Treasury.— That office of Assistant Secretary of the Treasury which is now vacant is hereby abolished; and all the functions, rights, powers, and duties of such abolished office are hereby transferred to and vested in the Fiscal Assistant Secretary, to be exercised by him under the direction

of the Secretary of the Treasury.

SEC. 2. Federal Alcohol Administration.—The Federal Alcohol Administration, the offices of the members thereof, and the office of the Administrator are abolished, and their functions shall be administered under the direction and supervision of the Secretary of the Treasury through the Bureau of Internal Revenue in the Department of the Treasury.

DEPARTMENT OF THE INTERIOR

Sec. 3. Fish and Wildlife Service.—The Bureau of Fisheries and the Bureau of Biological Survey in the Department of the Interior with their respective functions are consolidated into one agency in the Department of the Interior to be known as the Fish and Wildlife Service. The functions of the consolidated agency shall be administered under the direction and supervision of the Secretary of the Interior by a Director and not more than two Assistant Directors, who shall be appointed by the Secretary and perform such duties as he shall prescribe. The offices of Commissioner and Deputy Commissioner of Fisheries and the offices of Chief and Associate Chief of the Bureau of Biological Survey are abolished and their functions transferred to the consolidated agency.

Sec. 4. Recorder of General Land Office.—The office of Recorder of the General Land Office is abolished. The functions of the Recorder shall be exercised under the direction and supervision of the Secretary of the Interior through such officers or employees of the General Land

Office as he may designate.

DEPARTMENT OF AGRICULTURE

5. Surplus Marketing Administration.—The Division of Marketing and Marketing Agreements of the Agricultural Adjustment Administration of the Department of Agriculture and its functions and the Federal Surplus Commodities Corporation as an agency of the Department of Agriculture and its functions are consolidated into an agency in the Department of Agriculture to be known as the Surplus Marketing Administration. The Surplus Marketing Administration shall be headed by an Administrator, who shall be appointed by and subject to the direction and supervision of the Secretary of Agriculture.

DEPARTMENT OF LABOR

Sec. 6. Offices in the Immigration and Naturalization Service Abolished.—The offices of commissioner of immigration of the several ports and the offices of district commissioner of immigration and naturalization in the Department of Labor are abolished, and their functions shall be administered under the supervision of the Secretary of Labor by the Commissioner of Immigration and Naturalization through such district directors of immigration and naturalization as the Commissioner shall designate.

CIVIL AERONAUTICS AUTHORITY

SEC. 7. Functions of the Administrator transferred.—The functions vested in the Civil Aeronautics Authority by the Civilian Pilot Training Act of 1939; the functions of aircraft registration and of safety regulation described in titles V and VI of the Civil Aeronautics Act of 1938, except the functions of prescribing safety standards, rules, and regulations and of suspending and revoking certificates after hearing; the function provided for by section 1101 of the Civil Aeronautics Act of 1938; and the functions of appointing such officers and employees and of authorizing such expenditures and travel as may be necessary for the performance of all functions vested in the Administrator, are transferred from the Civil Aeronautics Authority to and shall be exercised by the Administrator, who shall hereafter be known as the Administrator of Civil Aeronautics.

GENERAL PROVISIONS

Sec. 8. Transfer of records, property, and personnel.—All records and property (including office equipment) of the several agencies, and all records and property used primarily in the administration of any functions, transferred or consolidated by this Plan and all the personnel used in the administration of such agencies and functions (including officers whose chief duties relate to such administration and whose offices are not abolished) are transferred or consolidated, as the case may be, within the department or agency concerned, for use in the administration of the agencies and functions transferred or consolidated by this Plan: Provided, That any personnel transferred or consolidated within any department or agency by this section found by the head of such department or agency to be in excess of the personnel necessary for the administration of the functions transferred or consolidated shall be retransferred under existing law to other positions

in the Government service, or separated from the service subject to the provisions of section 10 (a) of the Reorganization Act of 1939.

Sec. 9. Transfer of funds.—So much of the unexpended balances of appropriations, allocations, or other funds available (including funds available for the fiscal year ending June 30, 1941) for the use of any agency in the exercise of any function transferred or consolidated by this Plan, or for the use of the head of any department or agency in the exercise of any function so transferred or consolidated, as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred within the department or agency concerned for use in connection with the exercise of the function so transferred or consolidated. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer: Provided, That the use of the unexpended balances of appropriations, allocations, or other funds transferred by this section shall be subject to the provisions of section 4 (d) (3) and sec tion 9 of the Reorganization Act of 1939.

THIRD PLAN ON GOVERNMENT REORGANIZATION

Message from

THE PRESIDENT OF THE UNITED STATES

Transmitting

REORGANIZATION PLAN NO. III, WHICH WAS PREPARED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 4 OF THE REORGANIZATION ACT OF 1939 (PUBLIC NO. 19, 76TH CONG., 1ST SESS.), APPROVED APRIL 3, 1939

APRIL 2, 1940.—Referred to the Select Committee on Government Organization and ordered to be printed

To the Congress of the United States:

When I submitted reorganization Plans I and II at the last regular session of Congress, I indicated that certain reorganizations of an intradepartmental character were necessary but that detailed study would be required for the preparation of specific plans. Since that time the heads of the executive departments and my own office have continued to study the internal organization of the several agencies of the Government. I have considered recommendations made to me as a result of these studies and have found it possible to make a number of needed improvements of organization by administrative action. In other instances, I can effect the necessary changes only under the procedure set up in the Reorganization Act of 1939.

up in the Reorganization Act of 1939.

I am transmitting herewith Reorganization Plan III, which I have prepared in accordance with the provisions of section 4 of the Reorganization Act of 1939 (Public, No. 19, 76th Cong., 1st sess.), approved April 3, 1939; and I declare that with respect to each reorganization made in this plan, I have found that such reorganization is necessary to accomplish one or more of the purposes of

section 1 (a) of the act:

To reduce expenditures;
 To increase efficiency;

3. To consolidate agencies according to major purposes;

4. To reduce the number of agencies by consolidating those having similar functions and by abolishing such as may not be necessary; and

5. To eliminate overlapping and duplication of effort.

TREASURY DEPARTMENT

I am proposing two intradepartmental reorganizations relating to the Treasury

Department.

The first reorganization consolidates in a Fiscal Service, under the direction of a permanent Fiscal Assistant Secretary, those functions of the Treasury Department pertaining to financing and fiscal activities. This Fiscal Service will bring together the Office of the Treasurer of the United States, the Office of Commissioner of Accounts and Deposits, and the Public Debt Service, including their various subdivisions and certain other related functions.

Some adjustments are made in the assignment of functions of the units which will comprise the Fiscal Service, and certain changes are made in titles. The net effect of these adjustments is to establish within the Fiscal Service the Office of Fiscal Assistant Secretary, the Office of the Treasurer of the United States, and a Bureau of Accounts under a Commissioner of Accounts, and a Bureau of Public Debt under the Commissioner of Public Debt. In addition to responsibility for the administration of these four segments of the Department's operations, the Fiscal Assistant Secretary is vested with the financing functions of the Under Secretary of the Treasury and of the Assistant Secretaries.

The functions brought together in the Fiscal Service are all closely interrelated and are essential parts of the general functions of financing and fiscal control. The internal organization of the Fiscal Service conforms to accepted principles of financial management and provides the framework for adequate internal controls. At the same time, under the proposed plan these functions can be coordinated more effectively, duplications eliminated, and a more efficient service provided. To assure continued effective management of this highly important and technical phase of the Treasury functions, I am placing the Fiscal Service under the supervision of a career official. The plan, therefore, provides that the Fiscal Assistant Secretary will be appointed by the Secretary of the Treasury in accordance with civil-service laws and will perform his duties under the general direction of the Secretary. This is in accord with the policy of this administration of bringing higher administrative positions within the career service. The creation of the office of Fiscal Assistant Secretary will not increase the number of Assistant Secretaries in the Treasury Department since the plan expressly provides for the abolition of one of the three existing offices of Assistant Secretary.

The second reorganization affecting the Treasury Department vests in the Secretary of the Treasury full authority for the administration of the Federal Alcohol Administration Act. At present the Federal Alcohol Administration occupies an anomalous position. It is legally a part of the Treasury Department, but actually it is clothed with almost complete independence under existing statutory provisions. Under certain conditions the Administration would by law become an independent agency, whereas the interests of improved management require its integration with allied activities in the Treasury

Department.

I propose, therefore, that the functions of the Federal Alcohol Administration be correlated with the activities of the Bureau of Internal Revenue, particularly its Alcohol Tax Unit. The Bureau is already performing a large part of the field enforcement work of the Administration and could readily take over complete responsibility for its work. The Bureau is daily making, for other purposes, a majority of the contacts with units of the liquor industry which the Federal Alcohol Administration should but cannot make without the establishment of a large and duplicating field force. Under the provisions of this plan, it will be possible more effectively to utilize the far-flung organization of the Treasury Department, including its many laboratories, in discharging the functions of the Federal Alcohol Administration. Thus, I find the proposed consolidation will remedy deficiencies in organization structure as well as afford a more effective service at materially reduced costs.

DEPARTMENT OF THE INTERIOR

Reorganization Plan II transferred the Bureau of Fisheries of the Department of Commerce and the Bureau of Biological Survey of the Department of Agriculture to the Department of the Interior and thus concentrated in one department

the two bureaus responsible for the conservation and utilization of the wildlife resources of the Nation. On the basis of experience gained since this transfer, I find it necessary and desirable to consolidate these units into a single bureau

to be known as the Fish and Wildlife Service.

The Bureau of Biological Survey administers Federal laws relating to birds, land mammals, and amphibians whereas the Bureau of Fisheries deals with fishes, marine mammals, and other aquatic animals. The natural areas of operation of these two bureaus frequently coincide, and their activities are interrelated and similar in character. Consolidation will eliminate duplication of work, facilitate coordination of programs, and improve service to the public. Another provision relating to the Department of the Interior is the abolition

Another provision relating to the Department of the Interior is the abolition of the statutory office of Recorder of the General Land Office. This office is a relic of the quill-and-sand-box period in the transcription of land records. Its duties can readily be absorbed by the regular civil-service personnel of the

Land Office.

DEPARTMENT OF AGRICULTURE

I proposed to consolidate the Division of Marketing and Marketing Agreements of the Agricultural Adjustment Administration and the Federal Surplus Commodities Corporation into a single agency to be known as the Surplus Marketing Administration. This consolidation will facilitate the work of the Department of Agriculture relating to the formulation and administration of

marketing agreements and the disposition of agricultural surpluses.

Because the two programs require unified planning and direction, the Secretary of Agriculture has found it desirable to designate the same person as the head of both. In one capacity he reports directly to the Secretary of Agriculture while in the other he is responsible by law to the Administrator of the Agricultural Adjustment Administration. Consolidation of the two units will assure unified management, eliminate confusion in administration, and make for more efficient operation. Furthermore, this reorganization will remove from the Agricultural Adjustment Administration the legal responsibility for functions which differ administratively from its major operations.

DEPARTMENT OF LABOR

I propose to abolish the offices of commissioner of immigration and the offices of district commissioner of immigration and naturalization. The former have been vacant since 1933; the latter impose an unnecessary level of supervision above that of district director of immigration and naturalization in certain of our ports and should be eliminated in the interests of economy and sound administration.

CIVIL AERONAUTICS AUTHORITY

I propose to clarify the relations of the Administrator of the Civil Aeronautics Authority and the five-member Board of the Civil Aeronautics Authority. The Administrator is made the chief administrative officer of the Authority with respect to all functions other than those relating to economic regulation and certain other activities primarily of a rule-making and adjudicative character which are entrusted to the Board. This will eliminate the confusion of responsibilities existing under the Civil Aeronautics Act and provide a more clearcut and effective plan of organization for the agency.

IMPROVEMENT AND SAVINGS

The principal advantage of the reorganizations proposed in this plan will be increased effectiveness of operation of the agencies concerned. In addition to improved service, some economies may be expected. I estimate that immediate annual savings in administrative expense of approximately \$150,000 will result. This comparatively small amount in no way measures the worth of the proposals. In fact, if they resulted in no administrative savings at all, I should still consider them worthwhile in view of the increased effectiveness of administration that will result.

NEED FOR CONTINUOUS STUDY

The management problems of a department or agency are complex and dynamic and require much detailed analysis before findings can be made. These problems

cannot be resolved by any one reorganization plan, nor at one time; their study must be a continuing process if our departmental machinery is to keep pace with the changing requirements placed on the Government. Accordingly, in conformity with the Budget and Accounting Act, I have instructed the Director of the Bureau of the Budget to continue studies in collaboration with the several departments and agencies, looking to further improvements in the Government's administrative structure.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
April 2, 1940.

REORGANIZATION PLAN NO. IV

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, April 11, 1940, pursuant to the provisions of the Reorganization Act of 1939, approved April 3, 1939

DEPARTMENT OF STATE

Section 1. Transfer of Dominican Customs Receivership.—The functions of the Division of Territories and Island Possessions in the Department of the Interior relating to the Dominican Customs Receivership are transferred to the Department of State and shall be administered by the Secretary of State or under his direction and supervision by such agency in the Department of State as he shall designate.

DEPARTMENT OF THE TREASURY

Sec. 2. Approval of compromises.—The functions of the Attorney General relating to the approval of compromises made in accordance with the provisions of section 7 of the Federal Alcohol Administration Act are transferred to the Secretary of the Treasury, to be exercised by him or under his direction and supervision by such officer in the Department of the Treasury as he shall designate: Provided, That exclusive jurisdiction to compromise cases arising under the Federal Alcohol Administration Act which are pending before the courts or which have been or may hereafter be referred to the Department of Justice for action shall be vested in the Attorney General, and may be exercised by him or by any officer in the Department of Justice designated by him.

DEPARTMENT OF JUSTICE

SEC. 3. Disbursement functions of United States marshals.—All functions relating to disbursement by United States marshals which would otherwise become functions of the Treasury Department on July 1, 1940, by virtue of the provisions of Executive Order No. 6166 of June 10, 1933, as amended, are transferred to and vested in the Department of Justice to be exercised by United States marshals under the supervision of the Attorney General in accordance with existing statutes pertaining to such functions: Provided, That the Attorney General shall furnish the Secretary of the Treasury, when requested by him, such information as the Treasury Department may require with respect to the amounts of money received and disbursed by marshals and the procedure followed in connection therewith: Provided further, That upon the request of the Secretary of the Treasury, and with the approval of the Attorney General, the facilities of the Department of Justice may be utilized in the disbursement,

or aiding in the disbursement, of public moneys of the United States available for expenditure by any agency of the Government.

POST OFFICE DEPARTMENT

Sec. 4. Functions of postal disbursements.—All functions relating to the disbursement of the postal revenues and all other funds under the jurisdiction of the Post Office Department and the Postmaster General and the Board of Trustees of the Postal Savings System which would otherwise become functions of the Treasury Department on July 1, 1940, by virtue of Executive Order No. 6166 of June 10, 1933, as amended, are transferred to and vested in (a) the Board of Trustees of the Postal Savings System as to postal savings disbursements, and (b) the Post Office Department as to all other disbursements involved, and such functions shall be exercised by postmasters and other authorized disbursing agents of the Post Office Department and of the Postal Savings System in accordance with existing statutes pertaining to such functions: Provided, That the Postmaster General shall furnish to the Secretary of the Treasury, when requested by him, such information as the Treasury Department may require with respect to the amounts of money received and disbursed by the Post Office Department, its postmasters and other fiscal officers, and the procedure followed in connection therewith: Provided further, That upon request of the Secretary of the Treasury, and with the approval of the Postmaster General, the facilities of the Post Office Department may be utilized in the disbursement, or aiding in the disbursement, of public moneys of the United States available for expenditure by any agency of the Government.

Sec. 5. Transfer of interbuilding messenger functions.—(a) Ex-

Sec. 5. Transfer of interbuilding messenger functions.—(a) Except as prohibited by section 3 (b) of the Reorganization Act of 1939, the function of regular interbuilding messenger service (including the transportation of mail) and the function of transportation of mail between Government agencies and the city post office, now exercised in the District of Columbia by agencies of the Government, are transferred from such agencies to and consolidated in the Post Office Department and shall be administered by the Postmaster General under such rules and regulations as the President shall prescribe: Provided, That this section shall not apply to the transportation of moneys and securities by armored truck or by other special services,

or to messenger service between contiguous buildings.

(b) The Director of the Bureau of the Budget may waive the transfer of any motor vehicle coming within the purview of section 14 of this plan where he finds that the retention of such vehicle is essential to the performance of functions other than those transferred by this section.

PEPARTMENT OF THE INTERIOR

Sec. 6. Certain functions of the Soil Conservation Service transferred.—The functions of the Soil Conservation Service in the Department of Agriculture with respect to soil and moisture conservation operations conducted on any lands under the jurisdiction of the Department of the Interior are transferred to the Department of the Interior and shall be administered under the direction and supervision of the Secretary of the Interior through such agency or agencies in the Department of the Interior as the Secretary shall designate.

DEPARTMENT OF COMMERCE

SEC. 7. Transfer of Civil Aeronautics Authority.—(a) The Civil Aeronautics Authority and its functions, the Office of the Administrator of Civil Aeronautics and its functions, and the functions of the Air Safety Board are transferred to the Department of Commerce.

(b) The functions of the Air Safety Board are consolidated with the functions of the Civil Aeronautics Authority, which shall hereafter be known as the Civil Aeronautics Board and which shall, in addition to its other functions, discharge the duties heretofore vested in the Air Safety Board so as to provide for the independent investigation of aircraft accidents. The offices of the members of the

Air Safety Board are abolished.

(c) The Administrator of Civil Aeronautics, whose functions shall be administered under the direction and supervision of the Secretary of Commerce, and the Civil Aeronautics Board, which shall report to Congress and the President through the Secretary of Commerce, shall constitute the Civil Aeronautics Authority within the Department of Commerce: Provided, That the Civil Aeronautics Board shall exercise its functions of rule-making (including the prescription of rules, regulations, and standards), adjudication, and investigation independently of the Secretary of Commerce: Provided further, That the budgeting, accounting, personnel, procurement, and related routine management functions of the Civil Aeronautics Board shall be performed under the direction and supervision of the Secretary of Commerce through such facilities as he shall designate or establish.

SEC. 8. Transfer of Weather Bureau.—The Weather Bureau in the Department of Agriculture and its functions are transferred to the Department of Commerce and shall be administered under the direction and supervision of the Secretary of Commerce: Provided, That the Department of Agriculture may continue to make snow surveys and to conduct research concerning: (a) relationship between weather and crops, (b) long-range weather forecasting, and (c) relationship

tionships between weather and soil erosion.

DEPARTMENT OF LABOR

SEC. 9. Transfer of certain functions relating to enforcement of wage payments on public construction.—The functions of the Secretary of the Treasury and the Secretary of the Interior under section 2 of the Act of June 13, 1934, entitled "An Act to effectuate the purpose of certain statutes concerning rates of pay for labor, by making it unlawful to prevent anyone from receiving the compensation contracted for thereunder, and for other purposes" (48 Stat. 948), are transferred to the Secretary of Labor and shall be administered by him or under his direction and supervision by such agency in the Department of Labor as the Secretary shall designate.

UNITED STATES MARITIME COMMISSION

SEC. 10. Transfer of nautical school functions.—The functions of the Secretary of the Navy with respect to furnishing, maintaining, and repairing vessels for the use of State marine or nautical schools and with respect to administering grants of funds for the support of such schools are transferred to and shall be administered by the United States Maritime Commission. Jurisdiction over vessels, ap-

parel, charts, books, and instruments now loaned to State marine or nautical schools is transferred from the Secretary of the Navy to the United States Maritime Commission.

FEDERAL SECURITY AGENCY

Sec. 11. Transfer of certain Interior Department institutions— (a) Saint Elizabeths Hospital.—Saint Elizabeths Hospital in the Department of the Interior and its functions are transferred to the Federal Security Agency and shall be administered under the direction and supervision of the Federal Security Administrator. The annual report required to be submitted to the Congress by the superintendent of the Hospital shall be submitted through the Federal Security Administrator. The annual report required to be furnished to the Secretary of the Interior by the Board of Visitors shall

be furnished to the Federal Security Administrator.
(b) Freedmen's Hospital.—Freedmen's Hospital in the Department of the Interior and its functions are transferred to the Federal Security Agency and shall be administered under the direction and

supervision of the Federal Security Administrator.

(c) Howard University.—The functions of the Department of the Interior relating to the administration of Howard University are transferred to the Federal Security Agency and shall be administered under the direction and supervision of the Federal Security Administrator. The annual report required to be furnished to the Secretary of the Interior by the president and directors of the University shall be furnished to the Federal Security Administrator. The Office of Education shall continue to make its inspections of and reports on the affairs of Howard University in accordance with the provisions of existing law.

(d) Columbia Institution for the Deaf.—The functions of the Department of the Interior relating to the administration of the Columbia Institution for the Deaf are transferred to the Federal Security Agency and shall be administered under the direction and supervision of the Federal Security Administrator. The annual report required to be furnished to the Secretary of the Interior by the president and directors of the Institution shall be furnished to the Federal Security Administrator, and the annual report of the superintendent of the Institution to the Congress shall be submitted

through the Federal Security Administrator.

(e) Federal Security Administrator.—The functions transferred by this section shall be administered under the direction and supervision of the Federal Security Administrator through such officers or subdivisions of the Federal Security Agency as the Administrator shall

designate.

Sec. 12. Transfer of Food and Drug Administration.—The Food and Drug Administration in the Department of Agriculture and its functions, except those functions relating to the administration of the Insecticide Act of 1910 and the Naval Stores Act, are transferred to the Federal Security Agency and shall be administered under the direction and supervision of the Federal Security Administrator. The Chief of the Food and Drug Administration shall hereafter be known as the Commissioner of Food and Drugs.

GENERAL PROVISIONS

Sec. 13. Transfer of functions of heads of departments.—Except as otherwise provided in this Plan, the functions of the head of any department relating to the administration of any agency or function transferred from his department by this Plan are transferred to, and shall be exercised by, the head of the department or agency to which such transferred agency or function is transferred by this Plan.

Sec. 14. Transfer of records, property, and personnel.—Except as otherwise provided in this Plan, all records and property (including office equipment) of the several agencies, and all records and property used primarily in the administration of any functions transferred by this Plan, and all personnel used in the administration of such agencies and functions (including officers whose chief duties relate to such administration and whose offices are not abolished) are transferred to the respective agencies concerned, for use in the administration of the agencies and functions transferred by this Plan: Provided, That any personnel transferred to any agency by this section found by the head of such agency to be in excess of the personnel necessary for the administration of the functions transferred to his agency shall be retransferred under existing law to other positions in the Government service, or separated from the service subject to the provisions of section 10 (a) of the Reorganization Act of 1939.

Sec. 15. Transfer of funds.—So much of the unexpended balances of appropriations, allocations, or other funds available for the use of any agency in the exercise of any function transferred by this Plan, or for the use of the head of any agency in the exercise of any function so transferred, as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred to the agency concerned for use in connection with the exercise of the function so transferred. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer: Provided, That the use of the unexpended balances of appropriations, allocations, or other funds transferred by this section shall be subject to the provisions of section 4 (d) (3) and section 9 of the Reorganization Act of 1939.

FOURTH PLAN ON GOVERNMENT REORGANIZATION

Message from

THE PRESIDENT OF THE UNITED STATES

transmitting

REORGANIZATION PLAN NO. IV WHICH PROVIDES FOR A NUMBER OF INTERDEPARTMENTAL REORGANIZATIONS

APRIL 11, 1940.—Referred to the Select Committee on Government Organization and ordered to be printed

To the Congress of the United States:

One year ago the Congress directed the President to investigate the organization of the Executive establishment and to submit plans for such transfers, consolidations, and abolitions of agencies as were found necessary and desirable.

Shortly thereafter I submitted Reorganization Plan No. I which improved the overall management of the Executive branch. This was followed by Reorganiza-

tion Plan No. II which effected a better allocation of certain agencies and activities among departments. Although these two plans have been in effect less than a year, their benefits have already been gratifying. I have found the task of coordinating the work of the Executive branch less difficult. Many improvements in service have occurred, and substantial economies have resulted.

Reorganization Plan No. III, recently submitted, is a third step which will improve intradepartmental management through internal adjustment in certain

agencies.

I am now proposing a fourth reorganization plan which provides for a number of interdepartmental reorganizations. These changes are designed to increase efficiency in the administration of Government services by a more logical grouping of certain functions and by a further reduction in the number of independent

agencies reporting directly to the Chief Executive.

Accordingly, I am transmitting herewith Reorganization Plan No. IV, which, after investigation, I have prepared in pursuance of section 4 of the Reorganization Act of 1939 (Public, No. 19, 76th Cong., 1st sess.), approved April 3, 1939; and I declare with respect to each reorganization made in this plan, that I have found such reorganization necessary to accomplish one or more of the purposes of section 1 (a) of the act:

To reduce expenditures;
 To increase efficiency;

3. To consolidate agencies according to major purposes;

4. To reduce the number of agencies by consolidating those having similar functions and by abolishing such as may not be necessary;

5. To eliminate overlapping and duplication of effort.
The plan I now transmit I shall describe briefly as follows:

Department of State.—The Dominican Customs Receivership is transferred to the Department of State from the Division of Territories and Island Possessions in the Department of the Interior. The State Department is the most appropriate agency to supervise this activity which involves relations with a foreign government.

Treasury Department.—The plan transfers to the Secretary of the Treasury the function of the Attorney General of approving out-of-court settlements—technically termed compromises—of cases arising under the Federal Alcohol Administration Act which have not, prior to compromise, been referred to the Department of Justice for prosecution. The present requirement that the Attorney General approve all compromises results in a cumbersome, time-consuming procedure which the small amounts involved do not warrant. The proposed handling will be simpler, less likely to cause delay, and consistent with the procedure now followed in compromises arising under other acts which the Treasury Department administers.

Department of Justice.—Executive Order No. 6166, issued June 10, 1933, provided for the centralization of the disbursement function in a Division of Disbursement in the Treasury Department. The resulting increase in efficiency has amply demonstrated the wisdom of centralizing disbursement work. In effectuating the plan, however, I have found it necessary to postpone its application to United States marshals because of the unusual character of their disbursing work in serving the courts. Experience indicates that this arrangement should be continued. I am proposing, therefore, the permanent transfer of the disbursement function of United States marshals from the Treasury Department to the Department of Justice.

Post Office Department.—It has also been found desirable to continue permanently in the Post Office Department the disbursement of Post Office funds. The special character of the work of this Department, involving disbursements in thousands of post offices throughout the Nation, requires here, as well as in the case of the United States marshals, a departure from the sound theory of central disbursing. With its far-flung facilities, the Post Office Department is better

equipped to carry on this work than the Division of Disbursement.

Another proposal affecting the Post Office Department relates to the transportation of mail and other material between departments. In the early colonial days, the interchange of correspondence and messages was by the simple hand-to-hand method. Gradually a more systematic device became necessary to transport messages, with the resultant evolution of the postal service. Business and private citizens in general have made use of that service, and today we have in our Post Office Department the most efficient organization of its kind in the world. However, here in the Capital City, the Federal Government, instead of

utilizing fully the resources of the Post Office Department to maintain its mail and messenger service, has permitted a multiplicity of interdepartmental messenger services, each serving its own department, bureau, or agency. This duplication of services is uneconomical and results in a constant crisscrossing and overlapping of personnel and equipment, all engaged in a common activity. I am sure that the average citizen in Washington, as well as officials of the Government itself, have wondered at this paradox whereby the Federal Government is failing to make the fullest use of one of its own agencies which is specially equipped to render a simple, centralized service for all the other agencies. This reorganization plan proposes to do exactly that; to provide for the transportation of mail, documents, packages, and similar material between all buildings occupied by Government offices on a regularly scheduled basis of sufficient frequency to meet the reasonable and normal requirements of these offices and to reduce to a minimum the constant dispatching of messengers on so-called urgent and emergency This service will be available on a reimbursement basis to the agencies exempted by the Reorganization Act.

Department of the Interior.—I propose to transfer to the Department of the Interior the activities of the Soil Conservation Service relating to soil and moisture conservation on lands under the jurisdiction of the Interior Department. With respect to private lands, the soil-conservation work of the Federal Government is primarily of a consultative character and can best be carried on by the Department of Agriculture through cooperation of the farmers throughout the country. In the case of Federal lands, this work includes the actual application by the Government of soil-conservation practices and is an appropriate function

of the agency administering the land.

Department of Commerce.—One of the purposes of the Reorganization Act is to reduce the number of administrative agencies and thereby simplify the task of executive management. We have made substantial progress toward this objective under previous reorganization plans. I am now proposing another step in this direction by placing the Civil Aeronautics Authority within the framework of the Department of Commerce. Reorganization Plan No. III, which deals with intradepartmental changes, draws a more practical separation between the functions of the Administrator and the Civil Aeronautics Board. In Plan IV, which is concerned with interdepartmental reorganization, I am bringing the Authority into the departmental structure. The Administrator will report to the Secretary of Commerce. The five-member Board, however, will perform its rule-making, adjudicative, and investigative functions independent of the Department. In the interest of efficiency it will be supplied by the Department with budgeting, accounting, procurement, and other office services. As a result of the adjustments provided in Plans III and IV, I believe the Civil Aeronautics Board will be able effectively to carry forward the important work of accident investigation heretofore performed by the Air Safety Board. In addition to the effective and coordinated discharge of accident investigation work which this transfer will facilitate, economies in administration will be possible.

The importance of the Weather Bureau's functions to the Nation's commerce has also led to the decision to transfer this Bureau to the Department of Commerce. The development of the aviation industry has imposed upon the Weather Bureau a major responsibility in the field of air transportation. The transfer to the Department of Commerce, as provided in this plan, will permit better coordination of Government activities relating to aviation and to commerce generally, without in any way lessening the Bureau's contribution to agriculture.

Department of Labor.—The plan transfers to the Secretary of Labor the functions of the Secretary of the Treasury and the Secretary of the Interior relating to the enforcement of the minimum-wage provisions in contracts for Federal construction. The Secretary of Labor is responsible by law for the determination of the prevailing wage rates included in Government contracts and should properly

have complete responsibility for their enforcement.

United States Maritime Commission.—I propose to transfer to the United States Maritime Commission the functions of the Secretary of the Navy relating to State marine and nautical schools. These schools are devoted to training young men for junior officer positions in the merchant marine. The general responsibility for developing facilities for the training of merchant marine personnel is vested in the Maritime Commission. The proposed transfer will thus permit closer coordination of the nautical schools with the training work of the Maritime Commission.

Federal Security Agency.—The Federal Security Agency has as its major purposes the promotion of social and economic security, educational opportunity, and the health of the citizens. The functions of Saint Elizabeths Hospital, Freedmen's Hospital, Howard University, and Columbia Institution for the Deaf plainly come squarely within these purposes. Consequently, I find it necessary and desirable in pursuance of the objectives of the Reorganization Act to transfer to the Federal Security Agency the responsibilities of the Interior Department relating to these institutions. The work of Saint Elizabeths Hospital and Freedmen's Hospital is much more akin to the activities of the Public Health Service in the Federal Security Agency than to those of any other Federal establishment. Similarly, Howard University and Columbia Institution for the Deaf can derive more benefit from association with the Office of Education in the Federal Security Agency than with any other Federal organization.

I further propose to transfer to the Federal Security Agency the Food and Drug Administration with the exception of two activities intimately related to the work of the Department of Agriculture. The work of the Food and Drug Administration is unrelated to the basic functions of the Department of Agriculture. There was, however, no other agency to which these functions more appropriately belonged until the Federal Security Agency was created last year. I now believe that the opportunity for the Food and Drug Administration to develop along increasingly constructive lines lies in this new Agency. There is also need for coordination of certain of its functions with those of the Public Health Service. To accomplish these objectives, the plan establishes the Admin

istration as a separate unit within the Federal Security Agency.

Economics.—Functions may be transferred or consolidated under this Reorganization Act, but the abolition of functions is prohibited. Congress alone can curtail or abolish functions now provided by law. Savings must come from administrative expenses which comprise only a small fraction of Federal expenditures. This precludes the making of large reductions in expenditure through reorganization plans. The major achievements in reorganizations under this formula must inevitably be found in improved management and more effective service. However, some savings in administrative expenses will be possible under this plan. I estimate the immediate annual savings at approximately \$300,000.

Future reorganization needs.—The reorganization plans thus far submitted do not exhaust the transfers, consolidations, and abolitions that may be necessary and desirable. Some changes that now appear to have merit require further study. It is the responsibility of the President as Chief Executive to see that needed adjustments and improvements in administrative organization are made. But this he cannot adequately accomplish without proper statutory authority. The present Reorganization Act entirely exempts some 21 administrative agencies from consideration. Furthermore this act expires on January

20, 1941.

I strongly recommend the reenactment of the Reorganization Act, without exemptions. The structure and management of our Government, like the activities and services it performs, must be kept abreast of social and economic change.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE, April 11, 1940.

115-32. Government Losses in Shipment Act; Rules and regulations for shipment of valuables.—That as soon as practicable after the approval of this Act the Secretary of the Treasury and the Postmaster General shall, jointly, with the approval of the President, prescribe regulations governing the shipment of valuables by the executive departments, independent establishments, agencies, wholly owned corporations, officers, and employees of the United States, with a view to minimizing risks of loss and destruction of, and damage to, such valuables in shipment. After the effective date of such regulations, which shall be not more than thirty days after their issuance, it shall be the duty of every such executive department, independent establishment, agency, wholly owned corporation, officer, and employee, and of every person acting for him or it, or at his or its direc-

tion, to comply with such regulations in making any shipment of valuables. (July 8, 1937, sec. 1, 50 Stat. 479; 5 U. S. C., sec. 134.)

115-33. Fund authorized to be appropriated for replacement of valuables lost or destroyed.—There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$500,000 to be used, under the direction of the Secretary of the Treasury, for the replacement of valuables, or the value thereof, lost, destroyed, or damaged in the course of shipment effected pursuant to the regulations prescribed under section 1. There is hereby further authorized to be appropriated annually, beginning with the fiscal year 1939 and ending with the fiscal year 1948, inclusive, the sum of \$200,000 for the said purposes, and from time to time such additional sums as may be necessary for the said purposes. There shall be in the Treasury of the United States a revolving fund, to be known as "the fund for the payment of Government losses in shipment" (hereinafter referred to as "the fund"), to be constituted of the said sum of \$500,000 and the sums hereafter appropriated for the said purposes, together with all recoveries and repayments credited to the fund as hereinafter provided. There is hereby further authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000, for expenditures under the direction of the Secretary of the Treasury, to be used for the payment of administrative expenses, including personal services, necessary to carry out the provisions of this Act for the fiscal year 1938. (July

8, 1937, sec. 2, 50 Stat. 479; 5 U. S. C., sec. 134a.)

115-34. Same; replacement of lost valuables by Secretary of Treasury from revolving fund; exceptions.—In the event of loss or destruction of, or damage to, valuables of which shipment shall have been made pursuant to the regulations prescribed under section 1, a claim in writing for replacement shall be made upon the Secretary of the Treasury who, if he shall be satisfied that such loss, destruction, or damage has occurred and that shipment was made substantially in accordance with such regulations, shall cause replacement to be made out of the fund through such officers as he may designate. Notwithstanding any provision of law to the contrary, the decision of the Secretary of the Treasury that such loss, destruction, or damage has occurred or that such shipment was made substantially in accordance with such regulations shall be final and conclusive and shall not be subject to review by any other officer of the United States: Provided, however, That where the Secretary of the Treasury determines that such replacement can be effected, in whole or in part, without actual or ultimate injury to the United States, by a credit in the accounts of the executive department, independent establishment, agency, officer, employee, or other accountable person making the claim, he shall not resort to the fund, except to the extent that such replacement cannot be so effected by such credit. but shall certify such determination to the Comptroller General and, upon receipt of such certification, the Comptroller General is authorized and directed to make such credit in the settlement of accounts in the General Accounting Office: Provided further, That the fund shall be available for the replacement of any loss or destruction of, or damage to, valuables shipped by or on behalf of the Public Debt Service of the Treasury Department prior to the effec-

tive date of this amendment, the replacement of which was chargeable against the securities trust fund established under authority of the indefinite appropriation "Expenses of loans, Act of September 24, 1917, as amended and extended" (U. S. C., 1934 edition, title 31, secs. 760, 761); and the Secretary of the Treasury is hereby authorized and directed to transfer on the books of the Treasury Department the amount standing to the credit of the securities trust fund and credit the same to the fund. And provided further, That the fund shall not be available with respect to any loss, destruction, or damage affecting valuables, insofar as such loss*, destruction, or damage may be adjusted by the Postmaster General under the provisions of the Act of March 17, 1882, as amended (U. S. C., 1934 edition, title 39, sec. 49); nor shall it be available with respect to any loss, destruction, or damage affecting valuables of which shipment shall have been made at the risk of persons other than the United States, its executive departments, independent establishments, agencies, wholly owned corporations, officers, and employees. recoveries and repayments on account of loss, destruction, or damage to valuables of which replacement shall have been made out of the fund shall be credited to it and shall be available for the purposes thereof. (July 8, 1937, sec. 3, 50 Stat. 479; Aug. 10, 1939, sec. 1, 53 Stat. 1358; 5 U. S. C., sec. 134b.)

115-35. Government agencies prohibited from incurring insurance expenses except as authorized by Secretary of Treasury.—On and after the the effective date of the regulations prescribed under section 1, no executive department, independent establishment, agency, wholly owned corporation, officer, or employee shall expend any money, or incur any obligation, for insurance, or for the payment of premiums on insurance, against loss, destruction, or damage in the shipment of valuables except as specifically authorized by the Secretary of the Treasury. The Secretary of the Treasury may give such authorization if he shall find that the risk of loss, destruction, or damage is such shipment cannot be adequately guarded against by the facilities of the United States or that the circumstances are such that adequate replacement cannot be provided under this Act. (July 8, 1937,

sec. 4, 50 Stat. 480; 5 U. S. C., sec. 134c.)

115-36. Presumption of lawful conduct on part of officers making shipments.—Every officer and employee of the United States and every person acting on behalf of a wholly owned corporation who makes a shipment of valuables in good faith pursuant to and substantially in accordance with the regulations prescribed under section 1 shall be deemed, insofar as there may be concerned the propriety with respect to such shipment of any act or omission governed by such regulations, to be acting in faithful execution of his duties of office and in full performance of the conditions of his bond and oath of office, if any. (July 8, 1937, sec. 5, 50 Stat. 480; 5 U. S. C., sec. 134d.)

115-37. Secretary of Treasury empowered to make rules and regulations.—The Secretary of the Treasury shall have power, with the approval of the President, to make such rules and regulations as may be necessary for the execution of the functions vested in him by this Act, and may for such purpose require persons making shipment of valuables or making claims for replacement to make such

^{*}Comma omitted from original.

declarations or to furnish him with such other information as he may deem necessary. (July 8, 1937, sec. 6, 50 Stat. 480; 5 U. S. C., sec. 134e.)
115-38. "Valuables", "shipment", "wholly owned corporation", "replace-

ment", defined.—For the purposes of this Act-

(a) The term "valuables" means any articles or things or representatives of value in which the United States has any interest, or in connection with which it has any obligation or responsibility, direct or indirect, and which are declared to be valuables within the meaning of this Act by the Secretary of the Treasury. No articles or things shall be declared to be valuables by the Secretary of the Treasury unless he determines that replacement thereof in accordance with the procedure established herein, in the event of loss, destruction, or damage in the course of shipment, would be in the public interest. The term "United States" as used in this subsection and in section 3b means the United States, its executive departments, independent establishments, and agencies, including wholly owned corporations, and officers and employees of any of the foregoing while acting in their official capacity.

(b) The term "shipment" means the transportation, or the effecting of transportation, of valuables, without limitation as to the means or facilities used or by which the transportation, is effected or the person to whom it is made, and includes, but is not limited to, shipments made to any executive department, independent establishment, agency, wholly or partly owned corporation, officer, or employee of the United States, or any person acting on his or its behalf or at

his or its direction;

(c) The term "wholly owned corporation" means any corporation, regardless of the law or laws under which it is incorporated, the capital of which is entirely owned, directly or indirectly, by the United States, and includes the duly authorized officers, employees, and agents thereof;

(d) The term "replacement" means payment, reimbursement, replacement, or duplication or the expenses incident thereto. (July 8, 1937, sec. 7, 50 Stat. 480, as amended August 10, 1939, sec. 3, 53

Stat. 1359; 5 U.S. C., sec. 134f.)

115-39. Interest-bearing security destroyed, mutilated, defaced, lost or stolen—restitution.—(a) Whenever it is clearly proved to the satisfac-

tion of the Secretary of the Treasury-

(1) That any interest-bearing security of the United States, identified by number and description, payable to bearer or so assigned as to become, in effect, payable to bearer, has been wholly or partly destroyed, or so mutilated or defaced as to impair its value to the owner, or has been lost or stolen under such circumstances, and such a period of time having elapsed after it has matured or has become redeemable pursuant to a call for redemption, as in the judgment of the Secretary would indicate that it has been destroyed or irretrievably lost, is not held by any person as his own property and will never become the basis of a valid claim against the United States; or

(2) That any interest-bearing security of the United States, identified by number and description, which is not payable to bearer and which has not been so assigned as to become, in effect, payable to bearer, has been lost or stolen, so that it is not held by any person as his own property, or has been wholly or partly destroyed, or so mutilated or defaced as to impair its value to the owner; the Secretary, upon receipt and approval by him of a bond of indemnity, if and as required by subsection (b) hereof, shall, in the case of a security which has not matured or become redeemable pursuant to a call for redemption, issue a substitute marked "duplicate" and showing the serial number of the original security; or shall, in the case of a security which has matured or become redeemable pursuant to a call for redemption, make payment thereof to the owner, with such interest only as would have been paid had the security been presented when it became due and payable: *Provided*, That in the case of an interim certificate relief may be given by the issue of a definitive security, whether before or after maturity, rather than by the issue of a substitute or by payment: And provided further, That no payment shall be made on account of interest coupons claimed to have been attached to such original security unless the Secretary is satisfied that such coupons have not been paid, and are in fact destroyed or can never become the basis of a valid claim against the United States.

(b) Except as hereinafter provided, the owner of such lost, stolen, destroyed, mutilated, or defaced security shall file with the Secretary of the Treasury a bond, to indemnify the United States, in such form and amount and with such surety, sureties, or security as the Secretary of the Treasury shall require: *Provided*, That in case of securities payable to bearer or so assigned as to become, in effect, payable to bearer, the destruction of which has not been proved, a corporate surety, qualified under the provisions of the Act of August 13, 1894, as amended (U. S. C., 1934 edition, title 6, secs. 6–13), shall be required on such bond of indemnity: *And provided further*, That a bond of indemnity shall not be required in any of the following

classes of cases, except as hereinafter provided:

(1) If the Secretary of the Treasury is satisfied that the loss, theft, destruction, mutilation, or defacement, as the case may be, occurred without fault of the owner and while the security was in the custody or the control of the United States (not including the Postal Service when acting solely in its capacity as the public carrier of the mails), or of a person thereunto duly authorized as lawful agent of the United States, or while it was in the course of shipment effected pursuant to and in accordance with the regulations issued under the provisions of this Act;

(2) If substantially the entire security is presented and surrendered by the owner and the Secretary of the Treasury is satisfied as to the identity of the security presented and that any missing portions are not sufficient to form the basis of a valid claim against

the United States:

(3) If the lost, stolen, destroyed, mutilated, or defaced security is one which by the provisions of law or by the terms of its issue is

transferable only by operation of law;

(4) if the owner or holder is the United States or an officer or employee thereof in his official capacity, a State, the District of Columbia, a Territory or possession of the United States, including the Commonwealth of the Philippine Islands, a municipal corpora-

tion or political subdivision of any of the foregoing, a corporation the whole of whose capital is owned by the United States, a foreign government, or a Federal Reserve bank: *Provided*, *however*, That in any of the foregoing classes of cases the Secretary of the Treasury may require a bond of indemnity if he deems it essential to the public interest.

(c) The term "interest-bearing security of the United States" or "security", wherever used in this section, means any direct obligation of the United States issued pursuant to law for valuable consideration and which by its terms bears interest, or is issued on a discount basis and includes (but is not limited to) bonds, notes, certificates of indebtedness, and Treasury bills, and interim certificates issued for any such security.

(d) The Secretary of the Treasury shall have the power to make such rules and regulations as he may deem necessary for the adminis-

tration of this section.

(e) Sections 3702, as amended, 3703, 3704, and 3705 of the Revised Statutes of the United States (U. S. C., title 31, secs. 735, 736, 737, and 738) are hereby repealed. (July 8, 1937, sec. 8, 50 Stat. 481; Aug. 10, 1939, sec. 4, 53 Stat. 1359; 31 U. S. C. sec. 738a.)

115-40. Short title of Act.—This Act may be cited as the "Government Losses in Shipment Act". (July 8, 1937, sec. 10, 50 Stat. 484;

5 U. S. C., sec. 134g.)

115-41. Joint Committee on Government Reorganization; Creation and composition.—That (a) there is hereby established a joint congressional committee to be known as the Joint Committee on Government Organization (hereinafter referred to as the joint committee).

(b) The joint committee shall be composed of nine Members of the Senate, appointed by the President of the Senate, and nine Members of the House of Representatives, appointed by the Speaker of the House of Representatives. (Feb. 3, 1937, sec. 1, 50 Stat. 7; 5 U. S. C., sec. 135.)

115-42. Powers and duties of committee; reports.—It shall be the duty

of the joint committee-

(a) To investigate the organization and activities of the departments, independent establishments, bureaus, boards, commissions, divisions, services, offices, and other agencies of the Government, with the view to determining whether, in the interest of simplification, efficiency, or economy, or in order to eliminate conflicting or overlapping activities, any of such organizations or units should be coordinated or consolidated with any other organization or unit, reorganized, or abolished, or the personnel thereof reduced; and

(b) To report, from time to time, to the Senate and the House of Representatives, the results of its investigations together with such recommendations as it deems advisable. (Feb. 3, 1937, sec. 2, 50 Stat.

8; 5 U. S. C., sec. 136.)

115-43. Hearings; subpenas; disbursement of appropriations.—The joint committee, or any subcommittee thereof, shall have power to hold hearings and to sit and act at such places and times, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. Subpenas shall be issued under the signature of

the chairman of said joint committee, and shall be served by any person designated by him. Amounts appropriated for the expenses of the joint committee shall be disbursed one-half by the Secretary of the Senate and one-half by the Clerk of the House. (Feb. 3, 1937,

sec. 3, 50 Stat. 8; 5 U. S. C., sec. 137.)

115—44. Officers and employees; appointment and compensation.—The joint committee shall have power to employ and fix the compensation of such officers, experts, and employees as it deems necessary for the performance of its duties, but the compensation so fixed shall not exceed the compensation fixed under the Classification Act of 1923, as amended, for comparable duties. Officers and employees of the Government shall be detailed to the service of the joint committee, on its request, without additional compensation, and such officers and employees shall be paid from the appropriations regularly available for their salaries. (Feb. 3, 1937, sec. 4, 50 Stat. 8; 5 U. S. C., sec. 138.)

115-45. Jury duty; leave of absence for.—That the compensation of any employee of the United States or of the District of Columbia who may be called upon for jury service in any State court or court of the United States shall not be diminished during the term of such jury service by reason of such absence, except as provided in section 3, nor shall such period of service be deducted from the time allowed for any leave of absence authorized by law. (June 29, 1940, sec. 1.

54 Stat. 689.)

115-46. Same; no compensation payable in federal courts.—Any employee specified in section 1 who may be called upon for jury service in any court of the United States shall not receive any compensation

for such service. (June 29, 1940, sec. 2, 54 Stat. 689.)

115-47. Same; Compensation from State courts deducted from salaries.—
There shall be credited against the amount of compensation payable by the United States to any employee specified in section 1 for such period as such employee may be absent on account of jury service in the court of any State any amounts which such employee may receive from such State on account of such jury service. (June 29, 1940,

sec. 3, 54 Stat. 689.)

abroad returnable at Government expense.—That in case any civilian officer or employee of the United States dies (1) while in a travel status away from his official station in the United States or (2) while performing official duties in a Territory or possession of the United States or in a foreign country or in transit thereto or therefrom, the head of the department, independent establishment, agency, or federally owned or controlled corporation, hereinafter called department, in the service of which such officer or employee was engaged, is hereby authorized, under regulations to be prescribed by the President and except as otherwise provided by law, to pay from the appropriation available for the activity in which he was engaged—

(a) In case of the death of the officer or employee in such travel status in the United States, or in the case of the death of the officer or employee while performing official duties in a Territory or possession of the United States or in a foreign country or in transit thereto or therefrom, the expenses of preparing and transporting the remains

of such officer or employee to his home or official station or such other place as the head of the department concerned shall determine to be

the appropriate place of interment.

(b) In case of the death of the officer or employee while performing official duties in a Territory or possession of the United States or in a foreign country or in transit thereto or therefrom, the transportation expenses of his dependents, including expenses incurred in packing, crating, drayage, and transportation of household effects and other personal property to his former home or such other place as the head of the department shall determine. (July 8, 1940, Sec. 1, 54 Stat. 743.)

115-49. Same; temporary absence from duty no bar to relief.—The benefits of section 1 of this Act shall not be denied in any case on the ground that the deceased was temporarily absent from duty when death oc-

curred. (July 8, 1940, Sec. 2, 54 Stat. 744.)

115-50. Same; effective date.—This Act shall become effective sixty

days after its enactment. (July 8, 1940, Sec. 3, 54 Stat. 774.)

115-51. Transportation of household goods of civilian officers and employees.—That expenses which now or hereafter may be authorized by law to be paid from Government funds for the packing, crating, drayage, and transportation of household goods and personal effects of civilian officers and employees of any of the executive departments or establishments of the United States when transferred from one official station to another for permanent duty shall hereafter be allowed and paid, when specifically authorized or approved by the head of the department or establishment concerned, under such rules and regulations as may be prescribed by the President, which regulations shall prescribe, among other matters, the maximum weight of the property, not to exceed five thousand pounds gross or the equivalent thereof when transportation charges are based on cubic measurement, which may be packed, crated, hauled, transported, and unpacked at Government expense: Provided, That no part of such expenses shall be paid from Government funds where the transfer is made at the request and primarily for the convenience or benefit of the officer or employee: Provided further, That nothing herein shall affect the allowance and payment of expenses for, or incident to, the transportation of effects of officers and employees of the Foreign Service, Department of State, except where the transfer is made at the request and primarily for the convenience or benefit of the officer or employee. (Oct. 10, 1940, 54 Stat. 1105.)

DEPARTMENT OF AGRICULTURE

189-1. Under Secretary of Agriculture; duties.—That the Under Secretary of Agriculture is authorized to exercise the functions and perform the duties of the first assistant of the Secretary of Agriculture within the meaning of section 177 of the Revised Statutes of the United States (U. S. C., title 5, sec. 4) and shall perform such other duties as may be required by law or prescribed by the Secretary of Agriculture. (June 5, 1939, 53 Stat. 809; 5 U. S. C., sec. 514b.)

189-2. Delegation to Director of Finance or other officer of power to sign requisitions.—That the Secretary of Agriculture may designate in

writing the Director of Finance of the Department of Agriculture or, in his absence, the officer acting in his stead, to sign requisitions upon the Secretary of the Treasury for disbursing funds, and such requisitions shall be as valid as if they had been signed by the Secretary of Agriculture. (Aug. 11, 1939, 53 Stat. 1417; 5 U. S. C., sec. 514c.)

189-3. Act to authorize the Secretary of Agriculture to delegate certain

regulatory functions; definitions.—That as used in this Act—

(a) The term "regulatory order" means an order, marketing agreement, standard, permit, license, registration, suspension or revocation of a permit, license, or registration, certificate, award, rule, or regulation, if it has the force and effect of law, and if it may be made, prescribed, issued, or promulgated only after notice and hearing or property its for heaving have been given

opportunity for hearing have been given.

(b) The term "regulatory function" means the making, prescribing, issuing, or promulgating, of a regulatory order; and includes (1) determining whether such making, prescribing, issuing, or promulgating is authorized or required by law, and (2) any action which is required or authorized to be performed before, after, or in connection with, such determining, making, prescribing, issuing, or

promulgating. (Apr. 4, 1940, sec. 1, 54 Stat. 81.)

189-4. Regulatory functions of Secretary delegable to Departmental officers or employees allocated in grades not lower than Professional grade 7, and C. A. F. grade 14.—Whenever the Secretary of Agriculture deems that the delegation of the whole or any part of any regulatory function which the Secretary is, now or hereafter, required or authorized to perform will result in the more expeditious discharge of the duties of the Department of Agriculture, he is authorized to make such delegation to any officer or employee designated under this section. The Secretary is authorized to designate officers or employees of the Department to whom functions may be delegated under this section and to assign to appropriate titles to such officers or employees. The position held by any officer or employee while he is designated under this section, and vested with a regulatory function or part thereof delegated under this section, shall be allocated to a grade, not lower than grade 7, in the professional and scientific service provided for by the Classification Act of 1923, as amended, or to a grade, not lower than grade 14, in the clerical, administrative, and fiscal service provided for by such Act, as amended. There shall not be in the Department at any one time more than two officers or employees designated under this section and vested with a regulatory function or part thereof delegated under this section. The Secretary may at any time revoke the whole or any part of a delegation or designation made by him under this section. (Apr. 4, 1940, sec. 2, 54 Stat. 81.)

189-5. Retroactive revocation of delegations barred.—Whenever a delegation is made under section 2, all provisions of law shall be construed as if the regulatory function or the part thereof delegated had (to the extent of the delegation) been vested by law in the individual to whom the delegation is made, instead of in the Secretary of Agriculture. A revocation of delegation shall not be retroactive, and each regulatory function or part thereof performed (within the scope of the delegation) by such individual prior to the revoca-

tion shall be considered as having been performed by the Secretary.

(Apr. 4, 1940, sec. 3, 54 Stat. 82.)

189-6. Other delegation powers of Secretary not affected.—The provisions of section 2 shall not be deemed to prohibit the delegation, under authority of any other provision of law, of the whole or any part of any regulatory function or other function to any officer or employee of the Department of Agriculture. (Apr. 4, 1940, sec. 4, 54 Stat. 82.)

189-7. Appropriation authorizations.—There is hereby authorized to be appropriated such sums as may be necessary to carry out the pur-

poses of this Act. (Apr. 4, 1940, sec. 5, 54 Stat. 82.)

189-8. Use of field work funds for employment of men with equipment, etc.—That hereafter funds available for field work in the Department of Agriculture shall be available for employment by contract or otherwise of men with equipment, boats, work animals, animal-drawn, and motor-propelled vehicles. (June 4, 1936, 49 Stat. 1422;

5 U. S. C., sec. 542a.)

189-9. Use of field work funds for purchase of arms and ammunition.—That hereafter funds available for field work in the Department of Agriculture may be used for the purchase of arms and ammunition whenever the individual purchase does not exceed \$50, and for individual purchases exceeding \$50, when such arms and ammunition cannot advantageously be supplied by the Secretary of War pursuant to the Act of March 3, 1879 (20 Stat. 412). (June 4, 1936, 49 Stat. 1422; 5 U. S. C., sec. 542b.)

189-10. Statistics relating to turpentine and rosin.—That the Secretary of Agriculture is authorized and directed to collect and/or compile and publish annually, and at such other times, and in such form and on such date or dates as he shall prescribe, statistics and essential information relating to spirits of turpentine and rosin produced, held, and used in the domestic and foreign commerce of the United States. (Aug. 15, 1935, 49 Stat. 653; 5 U. S. C., sec. 556b.)

189-11. Secretary of Agriculture authorized to extend lease to Chicago, Milwaukee, and St. Paul Railway Company for ten years.—That the Secretary of Agriculture be, and he is hereby, authorized, in his discretion, to extend and renew for a term of ten years that certain lease to the Chicago, Milwaukee and Saint Paul Railway Company, bearing date the 26th day of June 1926, of a tract of land in the United States Department of Agriculture Range Livestock Experiment Station, in the State of Montana, containing an approximate area of two hundred and forty-one and sixty-seven one-hundredths acres, and also a strip of land for a right-of-way to said tract, executed by the Secretary of Agriculture under the authority of the Act of Congress approved June 9, 1926, upon the terms and conditions contained in said lease, or such other terms and conditions as the Secretary of Agriculture may deem proper; said renewal and extension to inure to the benefit of Chicago, Milwaukee, Saint Paul and Pacific Railroad Company (successor of said railway company), its trustees in bankruptcy, and of the corporation succeeding to the ownership of its railroad and property. (June 25, 1936, 49 Stat. 1922.)

CIVIL SERVICE COMMISSION AND CLASSIFIED CIVIL SERVICE

192a. Duties of civil service commissioners.—That it shall be the duty of said commissioners:

(6) Political coercion.

Sixth. That no person in said service has any right to use his official authority or influence to coerce the political action of any person or body. And no person shall be discriminated against in any case because of his or her marital status in examination, appointment, reappointment, reinstatement, reemployment, promotion, transfer, retransfer, demotion, removal, or retirement. All Acts or parts of Acts inconsistent herewith are hereby repealed. (As amended July

26, 1937, 50 Stat. 533; 5 U. S. C., sec. 633.)

201. Applications for examination; certificate of residence.—Hereafter every application for examination before the Civil Service Commission for appointment in the departmental service in the District of Columbia shall be accompanied by a certificate of an officer, with his official seal attached, of the county and State of which the applicant claims to be a citizen, that such applicant was, at the time of making such application, a legal or voting resident of said county, and had been such resident for a period of not less than one year next preceding, but this provision shall not apply to persons who may be in the service with civil-service status and seek promotion or appointment in other branches of the Government. (July 11, 1890, sec. 1, 26 Stat. 235; May

15, 1937, 50 Stat. 168; 5 U. S. C., sec. 643.)

209-1. Duties of Commission as to Official Register.—That the United States Civil Service Commission shall cause to be compiled, edited, indexed, and published each year an Official Register of the United States, which shall contain a full and complete list of all persons occupying administrative and supervisory positions in the legislative, executive, and judicial branches of the Government, including the District of Columbia, in connection with which salaries are paid from the Treasury of the United States. The register shall show the name; official title; salary, compensation, and emoluments; legal residence and place of employment for each person listed therein: Provided, however, That the Official Register shall not contain the name of any postmaster or assistant postmaster, or any officer of the Army, Navy, and Marine Corps, unless such officer is assigned as an administrative officer.

To enable the United States Civil Service Commission to compile and publish the Official Register of the United States as early as practicable after the first of June of each year, the Executive Office, the legislative and judicial branches of the Government, the Commissioners of the District of Columbia, and the head of each executive department, independent office, establishment, and commission of the Government shall, as of the 1st day of May of each year, beginning with May 1, 1936, supply to the United States Civil Service Commission the data required by this Act, upon forms approved and furnished by the Commission, in due time to permit the publication of the Official Register as herein provided; and no extra compensation shall be allowed to any officer, clerk, or employee of the United States Civil Service Commission for compiling the Official Register. (Aug. 28, 1935, secs. 1, 2, 49 Stat. 956, 957; 5 U. S. C., sec. 652a.)

209-2. President authorized to cover additional Government employees into classified civil service; exceptions.—That notwithstanding any provisions of law to the contrary, the President is authorized by Executive order to cover into the classified civil service any offices or positions in or under an executive department, independent establishment, or other agency of the Government: Provided, That in the case of any federally owned and controlled corporation organized under the laws of any State, Territory, or possession of the United States (including the Philippine Islands), or the District of Columbia, the President is authorized to direct that such action be taken as will permit appointments to offices or positions in any such corporation to be made in accordance with the civil-service laws, consistently with the laws of any such State, Territory, or possession, or the District of Columbia, or with the charter or articles of incorporation of any such corporation: Provided further, That the provisions of this section shall not apply to offices or positions in the Tennessee Valley Authority or to any positions in the Work Projects Administration or to any position to which appointments are made by the President by and with the advice and consent of the Senate, or to positions of assistant United States district attorney. (Nov. 26, 1940, Sec. 1, 54 Stat. 1211.)

209-3. Same; methods of accomplishing covering-in process; apportionment by states; effect upon employees of Congressmen.—(a) The incumbent of any office or position which is covered into the classified civil service under the provisions of section 1 of this Act shall not thereby acquire a classified civil-service status, except (1) upon recommendation by the head of the agency concerned within one year after such office or position has been covered into the classified civil service, and certification within such period by such head to the Civil Service Commission that such incumbent has served with merit for not less than six months immediately prior to the date such office or position was covered into the classified civil service; and (2) upon passing such suitable noncompetitive examination as the Commission may prescribe: Provided, That any such incumbent shall be given only one such non-competitive examination: Provided further, That any such incumbent who fails to pass the noncompetitive examination provided in his case shall be separated from the service not later than six months after the Commission advises the appointing officer that such employee has failed.

The appointment of any person occupying any position covered into the apportioned civil service in the District of Columbia under the provisions of section 1 of this Act shall be charged to the apportionment of his State. As used in this section "State" includes a Territory

and the District of Columbia.

(b) That from and after the effective date of this Act any person who shall have served for four years as a secretary, clerk or assistant clerk to a Senator, Representative, Delegate or Resident Commissioner, or as a clerk or assistant clerk to a standing committee of the Senate or House of Representatives or as a clerical employee of the Senate or House of Representatives and whose separation from the service is involuntary and without prejudice shall acquire, upon passing such suitable noncompetitive examination as the Civil Service Commission may prescribe, a classified civil service status for transfer to a position

in the classified civil service notwithstanding any contrary provisions of the civil service laws or regulations: *Provided*, That any individual who may hold such a position in the legislative branch must obtain such transfer within one year from the date of separation, and nothing in this Act shall be construed to impair any right of retransfer provided for under civil service laws or regulations made thereunder. (Nov.

26, 1940, Sec. 2, 54 Stat. 1212.)

219a. Efficiency ratings; boards of review.—That the board shall review and may revise uniform systems of efficiency rating established or to be established for the various grades or classes thereof, which shall set forth the degree of efficiency which shall constitute ground for (a) increase in the rate of compensation for employees who have not attained the maximum rate of the class to which their positions are allocated, (b) continuance at the existing rate of compensation without increase or decrease, (c) decrease in the rate of compensation for employees who at the time are above the minimum rate for the class to which their positions are allocated, and (d) dismissal.

The head of each department shall rate in accordance with such systems the efficiency of each employee under his control or direction. The current ratings for each grade or class thereof shall be open to inspection by the representatives of the board and by the employees of the department under conditions to be determined by the board

after consultation with the department heads.

Reductions in compensation and dismissals for inefficiency shall be made by heads of departments in all cases whenever the efficiency ratings warrant, as provided herein, subject to the approval of the board.

The board may require that one copy of such current ratings shall be transmitted to and kept on file with the board. Under such regulations as may be prescribed by the Civil Service Commission with the approval of the President—There shall be established in each Department one or more boards of review, each of which shall be composed of three members, the chairman to be designated by the Civil Service Commission, one of the other members to be designated by the head of the Department concerned, and the third member to be designated by the employees of the Department concerned in such manner as may be determined by the Civil Service Commission. The boards of review shall meet at the call of their respective chairmen for the purpose of considering and passing upon the merits of such efficiency ratings assigned to employees as may be submitted to such boards of review as hereinafter provided. Any employee shall, upon written request to the chairman of the appropriate board of review of his department, be entitled, as a matter of right, to a hearing and a review by such board of review of his efficiency rating. At such hearing such employee and his representative, and such representatives of the Department as may be designated by the head thereof, shall be afforded an opportunity to submit orally or in writing any information deemed by the board of review to be pertinent to the case, and shall be afforded an opportunity to hear or examine, and reply to, information submitted to such board by other parties. After any such hearing, the board of review may make such adjustments in any such efficiency rating as it may find to be proper. (Mar. 4, 1923, Sec. 9, 42 Stat. 1490; Nov. 26, 1940, Sec. 7, 54 Stat. 1215; 5 U. S. C., sec. 669.)

CLASSIFICATION OF CIVILIAN POSITIONS

of employees under Classification Act.—The weekly compensation, minus any general percentage reduction which may be prescribed by Act of Congress, for the several trades and occupations, which is set by wage boards or other wage-fixing authorities, shall be reestablished and maintained at rates not lower than necessary to restore the full weekly earnings of such employees in accordance with the full-time weekly earnings under the respective wage schedules in effect on June 1, 1932: Provided, That the regular hours of labor shall not be more than forty per week; and all overtime shall be compensated for at the rate of not

less than time and one half.

Where the adjustment of regular hours of duty of employees subject to the provisions of the preceding paragraph requires the adjustment of regular hours of duty of any employee whose compensation is fixed under the Classification Act of 1923, as amended, the aggregate weekly earnings of such employee whose compensation is fixed under the Classification Act of 1923, as amended, for full-time service shall not be less by reason of such adjustment than his aggregate weekly earnings for full-time service prior to March 28, 1934. Full-time service within the meaning of this paragraph shall not be less than forty hours per week. For the purposes of this paragraph, authority is hereby granted to adjust the hourly rates of compensation of employees whose compensation is fixed under the Classification Act of 1923, as amended, to such extent as may be necessary to make the aggregate compensation for a forty-hour week equal to the compensation for a full-time week prior to March 28, 1934. (Mar. 28, 1934, Title II, sec. 23, 48 Stat. 522; June 26, 1936, sec. 1, 49 Stat. 1969; 5 U. S. C., sec. 673c.)

227-2. Claims of employees for increased compensation between July 1, 1917 and June 30, 1924.—That no claim for additional or increased compensation incident to services rendered by civilian employees of the Government of the United States or of the District of Columbia between July 1, 1917, and June 30, 1924, authorized by Acts making appropriations for the payment of such increased or additional compensation for the fiscal years ending June 30, 1918, to June 30, 1924, inclusive, shall be considered by the General Accounting Office unless presented to it within six months from the date of the enactment of this

Act. (Aug. 10, 1939, 53 Stat. 1343; 5 U. S. C., sec. 680.)

227-3. President authorized to extend provisions of Classification Act and to prescribe additional classification, services, grades, and salaries; limitations.—(a) Subject to the limitations contained in this section, whenever the President, after such classification and compensation surveys or investigations as he may direct the Commission to undertake, and upon consideration of the Commission's resulting reports and recommendations, shall find and declare that an extension of the provisions of the Classification Act of 1923, as amended, to any offices or positions in the agencies of the Government is necessary to the more efficient operation of the Government, he may by Executive order extend the provisions of the Classification Act of 1923, as amended, to any such offices or positions not at the time subject to such provisions: Provided, That in the case of any federally owned and controlled corporation

organized under the laws of any State, Territory, or possession of the United States (including the Philippine Islands), or the District of Columbia, the President is authorized to direct that such action be taken as will permit the compensation of such offices or positions to be fixed in accordance with the Classification Act of 1923, as amended, consistently with the laws of any such State, Territory, or possession, or the District of Columbia, or with the charter or articles of incorpo-

ration of any such corporation.

(b) Whenever the President, upon report and recommendation by the Commission, shall find and declare that one or more officers or positions to which the Classification Act of 1923, as amended and extended, is applicable, may not fairly and reasonably be allocated to the professional and scientific service, the subprofessional service, the clerical, administrative, and fiscal service, the custodial service, or the clerical-mechanical service, as described in the Classification Act of 1923, as amended, he may by Executive order prescribe and define such additional classification services and grades thereof as he may deem necessary and shall describe, and fix the ranges of compensation for, the grades of such services within the limits of the Classification Act of 1923, as amended, so that they shall be comparable, as nearly as may be, with the grades in said Act, as amended, for offices or positions that are comparable as to duties, responsibilities, qualifications required, and other conditions of employment.

(c) Whenever the President, upon report and recommendation by the Commission, shall find and declare that the rates of the compensation schedules of the Classification Act of 1923, as amended, are inadequate for any offices or positions under such Act, as amended and extended, he may by Executive order establish necessary schedules of differentials in the rates prescribed in such compensation schedules, but the differentials in the compensation of any such office or position shall not exceed 25 per centum of the minimum rate of the grade to which such office or position is allocated under such compensation schedules: *Provided*, That the provisions of this subsection shall be applicable only to such offices or positions having the following

characteristics:

Offices or positions which are located at stations that are isolated, remote, or inaccessible when compared with stations at which offices or positions of the same character are usually located, or which involve physical hardships or hazards that are excessive when compared with those usually involved in offices or positions of the same character, or which are located outside the States of the United States and the District of Columbia: Provided further, That nothing herein contained shall preclude the Commission from taking the factor of isolation, hardship, hazard, or foreign service into consideration in allocating a given class of offices or positions to a service and grade under the Classification Act of 1923, as amended, if such factor is uniformly involved in each office or position in the class, in which event no differential is authorized under this section.

(d) Except as Congress may otherwise provide by law, the power granted to the President by this section shall not apply to the

following:

(i) Offices or positions in the Postal Service the compensation of which is fixed under an Act of Congress approved February 28, 1925 (43 Stat. 1033), as amended;

(ii) Offices or positions of teachers, librarians, school-attendance officers, and employees of the community-center department under the Board of Education of the District of Columbia, the compensation of which is fixed under an Act of Congress approved June 7, 1924 (43 Sta. 658);

(iii) Offices or positions in the Metropolitan Police, in the Fire Department of the District of Columbia, and in the United States Park Police, the compensation of which is fixed under an Act

of Congress approved July 1, 1930 (46 Stat. 839);

(iv) Commissioned officers and enlisted personnel in the military and naval services and the Coast Guard, and commissioned officers in the Public Health Service and the Coast and Geodetic Survey, the compensation of which is fixed under an Act of Congress approved June 10, 1922 (42 Stat. 625), as amended;

(v) Offices or positions in the Government Printing Office the compensation of which is fixed under an Act of Congress approved

June 7, 1924 (43 Stat. 658);

(vi) Offices or positions of foreign-service officers in the Foreign Service of the United States the compensation of which is fixed under an Act of Congress approved May 24, 1924 (43 Stat. 140), as amended, including those offices and positions transferred under the provisions of the Act of Congress approved April 3, 1939, to the Department of State by part 1, section 1, of Reorganization Plan Numbered II, effective July 1, 1939;

(vii) Offices or positions of clerks in the Foreign Service of the United States the compensation of which is fixed under an Act of Congress approved February 23, 1931 (46 Stat. 1207), including those offices and positions transferred under the provisions of the Act of Congress approved April 3, 1939, to the Department of State by part 1, section 1, of Reorganization Plan Numbered II,

effective July 1, 1939;

(viii) Offices or positions of verifiers-openers-packers, clerks, guards, inspectors, station inspectors, and laborers in the Customs Service of the Treasury Department the compensation of which is fixed under an Act of Congress approved May 29, 1928 (45 Stat. 955), as amended;

(ix) Offices or positions of inspectors in the Immigration and Naturalization Service of the Department of Labor the compensation of which is fixed under an Act of Congress approved May

29, 1928 (45 Stat. 954), as amended;

(x) Offices or positions the duties of which are to serve as an officer or member of the crew of a vessel, except that the President may by Executive order extend the provisions of the Classification Act of 1923, as amended, to offices or positions in the Bureau

of Lighthouses;

(xi) Offices or positions the duties of which are to perform the work of an apprentice, helper, or journeyman in a recognized trade or craft, or other skilled mechanical craft, or the work of an unskilled, semiskilled, or skilled laborer, except that whenever such offices or positions involve work in the regular custody, operation, or maintenance of a Government building, or other Government property, or work which is subordinate, incidental, or preparatory to work of a professional, scientific, or technical

character, the President, upon a finding that the characteristics and working conditions of such offices or positions render them substantially the same as comparable offices or positions in the District of Columbia included within the Classification Act of 1923, as amended, may by Executive order extend the provisions of such Act to include them; and

(xii) Offices or positions in the Tennessee Valley Authority.

(e) In carrying out the provisions of this title, and the provisions of the Classification Act of 1923, as amended, there shall be no discrimination against any person, or with respect to the position held by any person, on account of race, creed, or color. (Nov. 26, 1940, Sec. 3,

54 Stat. 1212.)

227-4. Same; President authorized to exclude certain positions.—The President is authorized, after suitable investigation by the Commission, which shall include consultation with representatives of the heads of executive departments and independent agencies, in or under the jurisdiction of which the offices or positions hereinafter designated are located, and upon a finding that such action is necessary to the more efficient operation of the Government, to exclude, by Executive order, from the provisions of the Classification Act of 1923, as amended

and extended under this Act-

Offices or positions on work which is financed jointly by the United States and a State, Territory, or possession of the United States (including the Philippine Islands), or political subdivision thereof, or cooperating persons or organizations outside the service of the Federal Government, and the pay of which is fixed under a cooperative agreement with the United States; offices or positions, none or only part of the compensation of which is paid from funds of the United States: offices or positions filled by inmates, patients, students, or beneficiaries in Government institutions; offices or positions outside the States of the United States and the District of Columbia filled by natives of Territories or possessions of the United States (including the Philippine Islands) or foreign nationals; emergency or seasonal offices or positions in the field service, or other field offices or positions, the duties of which are of purely temporary duration, or which are required only for brief periods at intervals; and offices or positions filled by persons employed locally on a fee, contract, or pice-work basis who may lawfully perform their duties concurrently with their private profession, business, or other employment and whose duties require only a portion of their time, where it is impracticable to ascertain or anticipate the proportion of time devoted to the service of the Federal Government. (Nov. 26, 1940, Sec. 4, 54 Stat. 1214.)

227-5. Same; allocation of offices or positions; initial compensation.—When any extension of the Classification Act of 1923, as amended,

becomes effective under this Act—

(a) The allocations of offices or positions to services, grades, and classes shall be made as set forth in section 4 of the Classification Act of 1923, as amended, and in accordance with a uniform procedure to be prescribed by the Commission; and

(b) The initial compensation of the incumbents of the offices or positions to which the provisions of the Classification Act of 1923, as amended, are extended under this Act, shall be fixed in accordance

with section 6 of the Classification Act of 1923, as amended. (Nov. 26,

1940; Sec. 5, 54 Stat. 1215.)

227-6. Same; promotions; veterans' preference provision.—Nothing herein contained shall be construed to prevent the promotion of an officer or employee from an office or position in one class to a vacant office or position in a higher class at any time in accordance with civil-service laws, and when so promoted the officer or employee shall receive compensation according to the schedule established for the class to which he is promoted. Nor shall anything in this Act be construed to prevent the application of the existing veteran-preference provisions in civil-service laws, Executive orders, and rulings. (Nov. 26, 1940; Sec. 6, 54 Stat. 1215.)

RETIREMENT OF CIVIL SERVICE EMPLOYEES

233a. Employees included.—

of the Department of Justice.

(b) Superintendents of United States national cemeteries, and such employees of the offices of solicitors of the several executive departments, of the Architect of the Capitol, of the Library of Congress, of the United States Botanic Garden, of the recorder of deeds and register of wills of the District of Columbia, of the United States Soldiers' Home, of the National Home for Disabled Volunteer Soldiers, of the State Department without the continental limits of the United States who are United States citizens and not within the Foreign Service as defined in the Act of May 24, 1924, and amendments thereof, of the Indian Service at large whose tenure of employment is not intermittent nor of uncertain duration, and the Director, Assistant Directors, inspectors, and special agents of the Federal Bureau of Investigation

(g) This Act shall not apply to such employees of the Lighthouse Service as come within the provisions of section 6 of the Act of June 20, 1918, entitled "An Act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes", nor to members of the police and fire departments of the municipal government of the District of Columbia, nor to such employees or groups of employees as may have been before the effective date of this Act excluded by Executive orders from the benefits of the Act of May 22, 1920, and amendments thereof.

(h) The provisions of this Act may be extended by Executive order, upon recommendation of the Civil Service Commission, to apply to any employee or group of employees in the civil service of the United States not included at the time of its passage. The President shall have power, in his discretion, to exclude from the operation of this Act any employee or group of employees in the civil service whose tenure of office or employment is intermittent or of uncertain duration.

(i) Any officer or employee to whom the Act of July 13, 1937 (Public, Numbered 206, Seventy-fifth Congress, first session), applies who has failed to exercise the option provided thereby to come within the terms of the Retirement Act of May 29, 1930, as amended, may exercise such option within six months from the effective date of this Act. (May 22, 1920, sec. 1, 41 Stat. 614; July 3, 1926, sec. 3, 44 Stat. 905;

May 29, 1930, sec. 3, 46 Stat. 470; June 23, 1936, 49 Stat. 1888; Aug. 4,

1939, sec. 1, 53 Stat. 1200; 5 U. S. C., sec. 693.)

234. Method of computing annuities .- (a) The annuity of an employee retired under the provisions of the preceding sections of this Act shall be a life annuity, terminable upon the death of the annuitant and shall be composed of (1) a sum equal to \$30 for each year of service not exceeding thirty: Provided, That such portion of the annuity shall not exceed three-fourths of the average annual basic salary, pay, or compensation received by the employee during any five consecutive years of allowable service at the option of the employee; nor shall such portion be less than an amount equal to the employee's purchasable annuity as provided in (2) hereof; and (2) the amount of annuity purchasable with the sum to the credit of the employee's individual account as provided in section 12 (a) hereof, together with interest at 4 per centum per annum compounded on June 30 of each year, according to the experience of the civil-service retirement and disability fund as may from time to time be set forth in tables of annuity values by the Board of Actuaries.

(b) The total annuity paid shall in no case be less than an amount equal to the average annual basic salary, pay, or compensation, not to exceed \$1,600 per annum, received by the employee during any five consecutive years of allowable service at the option of the employee, multiplied by the number of years of service, not exceeding thirty

years, and divided by forty.

(c) Any employee at the time of his retirement may elect to receive, in lieu of the life annuity herein described, an increased annuity of equivalent value which shall carry with it a proviso that no unexpended part of the principal upon the annuitant's death shall be

returned.

(d) Any employee retiring under the provisions of section 1 of this Act may at the time of his retirement elect to receive in lieu of the life annuity described herein a reduced annuity payable to him during his life, and an annuity after his death payable to his beneficiary, duly designated in writing and filed with the Civil Service Commission at the time of his retirement, during the life of such beneficiary (a) equal to or (b) 50 per centum of such reduced annuity and upon the death of such surviving beneficiary all payments shall cease and no further annuity shall be due or payable. The amounts of the two annuities shall be such that their combined actuarial value on the date of retirement as determined by the Civil Service Commission shall be the same as the actuarial value of the single life increased annuity with forfeiture provided by this section: Provided, That no election in lieu of the life annuity provided herein shall become effective in case an employee dies within thirty days after the effective date of retirement, and in the event of such death within this period, such death shall be considered as a death in active service.

(e) For the purpose of this Act all periods of service shall be computed in accordance with section 5 hereof, and the annuity shall be

fixed at the nearest multiple of twelve.

(f) The term "basic salary, pay, or compensation," wherever used in this Act, shall be so construed as to exclude from the operation of the Act all bonuses, allowances, overtime pay, or salary, pay, or compensation given in addition to the base pay of the position as fixed

by law or regulation. (May 22, 1920, sec. 2, 41 Stat. 614; July 3, 1926, sec. 4, 44 Stat. 907; May 29, 1930, sec. 4, 46 Stat. 471; August 4, 1939,

sec. 2, 53 Stat. 1201; 5 U.S.C., secs. 698, 698 notes.)

235a. Civil Service Retirement Act; computation of accredited service.— Subject to the provisions of section 9 hereof, the aggregate period of service which forms the basis for calculating the amount of any benefit provided in this Act shall be computed from the date of original employment, whether as a classified or an unclassified employee in the civil service of the United States, or in the service of the District of Columbia, including periods of service at different times and in one or more departments, branches, or independent offices, or the legislative branch of the Government, and also periods of service performed overseas under authority of the United States, and periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States; in the case of an employee, however, who is eligible for and receives retired pay on account of military or naval service, the period of service upon which such retired pay is based shall not be included; in the case of an employee who is eligible for and receives a pension on account of non-service-connected disability under laws administered by the Veterans' Administration the minimum period of service necessary to entitle him to pension shall not be included; but in the case of an employee who is eligible for and receives pension or compensation under laws administered by the Veterans' Administration on account of service-connected disability, all honorable military or naval service shall be included; and nothing in this Act shall be construed as to affect in any manner an employee's right to retired pay, pension, or compensation in addition to the annuity herein provided. (May 22, 1920, sec. 3, 41 Stat. 615; July 3, 1926, sec. 5, 44 Stat. 907; May 29, 1930, sec. 5, 46 Stat. 472; Oct. 14, 1940, sec. 1, 54 Stat. 1116; 5 U. S. C., sec. 707.)*

236a. Disability retirement; medical examinations required.—Any employee to whom this Act applies who shall have served for a total period of not less than five years, and who, before becoming eligible for retirement under the conditions defined in the preceding sections hereof, becomes totally disabled for useful and efficient service in the grade or class of position occupied by the employee, by reason of disease or injury not due to vicious habits, intemperance, or wilfull misconduct on the part of the employee, shall upon his own application or upon the request or order of the head of the department, branch, or independent office concerned, be retired on an annuity computed in accordance with the provisions of section 4 hereof: Provided, That proof of freedom from vicious habits, intemperance, or wilfull misconduct for a period of more than five years next prior to becoming so disabled for useful and efficient service, shall not be required in any case. No claim shall be allowed under the provisions of this section unless the application for retirement shall have been executed prior to the applicant's separation from the service or within six months thereafter: Provided, That any employee who heretofore has failed to file an ap-

^{*}This section of the Civil Service Retirement Act, as indicated, was amended October 14, 1940, by Section 1, Public, No. 846, 76th Congress. Section 5 of Public, No. 846, reads as follows: This Act shall take effect the 1st day of the month next succeeding the date of enactment. Any person separated from the service prior to such effective date may, upon request, have his claim for retirement adjudicated under the terms of this Act; but no increase in annuity shall be allowed prior to such effective date nor shall this Act be construed so as to reduce the annuity of any person separated prior to its effective date. (Oct. 14, 1940, Section 5, Public, No. 846, 76th Congress.)

plication for retirement within six months after separation from the service, may file such application within three months after the effective date of this Act. No employee shall be retired under the provisions of this section unless examined by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons, designated by the Civil Service Commission for that purpose, and found to be disabled in the degree and in the manner specified herein. The time limitation for execution of claims for retirement under the terms of this section may be waived by the Civil Service Commission in cases of employees who at the date of separation from service or within six months thereafter, are adjudged mentally incompetent, but the application in such cases must be filed with the Civil Service Commission within one year from the date of restoration of any such person to competency or the appointment of a fiduciary whichever is the earlier. In the case of any such person heretofore separated from service application may be filed within one year after the effective date of this Act.

Every annuitant retired under the provisions of this section, unless the disability for which retired be permanent in character, shall at the expiration of one year from the date of such retirement and annually thereafter, until reaching retirement age as defined in section 1 hereof be examined under the direction of the Civil Service Commission by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons designated by the Civil Service Commission for that purpose, in order to ascertain the nature and degree of the annuitant's disability, if any. If an annuitant shall recover before reaching retirement age and be restored to an earning capacity which would permit him to be appointed to some appropriate position fairly comparable in compensation to the position occupied at the time of retirement, payment of the annuity shall be continued temporarily to afford the annuitant opportunity to seek such available position, but not in any case exceeding one year from the date of the medical examination showing such recovery. Should the annuitant fail to appear for examination as required under this section, payment of the annuity shall be suspended until continuance of the disability shall have been satisfactorily established. The Civil Service Commission may order or direct at any time such medical or other examination as it shall deem necessary to determine the facts relative to the nature and degree of disability of any employee retired on an annuity under this section.

In all cases where the annuity is discontinued under the provisions of this section before the annuitant has received a sum equal to the amount credited to his individual account as provided in section 12 (a) hereof, together with interest at 4 per centum per annum compounded on June 30 of each year, the difference, unless he shall become reemployed in a position within the purview of this Act, shall be paid to the retired employee, as provided in section 12 (b) hereof, upon application therefor in such form and manner as the Civil Service Commission may direct. In case of reemployment in a position within the purview of this Act the amount so refunded shall be redeposited as provided in section 12 (b) hereof.

No person shall be entitled to receive an annuity under the provisions of this Act, and compensation under the provisions of the Act of Sep-

tember 7, 1916, entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", covering the same period of time; but this provision shall not be so construed as to bar the right of any claimant to the greater benefit conferred by either Act for any

part of the same period of time.

Fees for examinations made under the provisions of this section, by physicians or surgeons who are not medical officers of the United States, shall be fixed by the Civil Service Commission, and such fees, together with the employee's reasonable traveling and other expenses incurred in order to submit to such examinations, shall be paid out of the appropriations for the cost of administering this Act. (May 22, 1920, sec. 5, 41 Stat. 616; July 3, 1926, sec. 6, 44 Stat. 907; May 29, 1930, sec. 6, 46 Stat. 472; July 3, 1930, sec. 2, 46 Stat. 1016. Apr. 7, 1934, Executive Order 6670; Aug. 4, 1939, sec. 3a, sec. 3b, 53 Stat. 1202;

5 U. S. C., sec. 710, 711, 712, 713, 714.)

239a. Credit for past service.—Beginning with the effective date of this Act, all employees who may be brought then or thereafter within the purview of the Act by legislative enactment, or by appointment, or through classification, or by transfer, or reinstatement, or Executive order, or otherwise, shall be required to deposit with the Treasurer of the United States to the credit of the "civil-service retirement and disability fund" a sum equal to 21/2 per centum of the employee's basic salary, pay, or compensation received for services rendered after July 31, 1920, and prior to July 1, 1926, and also 31/2 per centum of the basic salary, pay, or compensation for services rendered from and after July 1, 1926, together with interest computed at the rate of 4 per centum per annum compounded on June 30 of each fiscal year, but such interest shall not be included for any period during which the employee was separated from the service. All employees who may hereafter be brought within the purview of this Act may elect to make such deposits in installments during the continuance of their service in such amounts and under such conditions as may be determined in each instance by the Civil Service Commission. The amount so deposited, less \$1 for each month, or major fraction thereof, of service after the effective date of this Act, shall be credited to the employee's individual account, as provided in section 12 (a) hereof: Provided, That failure to make such deposit shall not deprive the employee of credit for any past service rendered prior to August 1, 1920, to which he or she would otherwise be entitled: And provided further, That, notwithstanding the failure of an employee to make such deposit, credit shall be allowed for the service rendered, but the annuity of such employee shall be reduced by the amount such deposit would purchase if made, unless the employee shall elect to eliminate such service entirely from credit under (July 3, 1926, sec. 9, 44 Stat. 910; May 29, 1930, sec. 9, 46 Stat. 475; Apr. 7, 1934, Executive Order 6670; June 23, 1938, 52 Stat. 943; 5 U. S. C., sec. 736b.)

240a. Deductions and donations.—Beginning as of July 1, 1926, there shall be deducted and withheld from the basic salary, pay, or compensation of each employee to whom this Act applies a sum equal to 3½ per centum of such employee's basic salary, pay, or compensation. The amounts so deducted and withheld from the basic salary, pay,

or compensation of each employee shall, in accordance with such procedure as may be prescribed by the Comptroller General of the United States, be deposited in the Treasury of the United States to the credit of the "civil-service retirement and disability fund" created by the Act of May 22, 1920, and said fund is hereby appropriated for the payment of annuities, refunds, and allowances as provided in this Act.

Any employee may at his option and under such regulations as may be prescribed by the Civil Service Commission deposit additional sums in multiples of \$25 but not to exceed 10 per centum per annum of his annual basic salary, pay, or compensation, for service rendered since August 1, 1920, which amount together with interest thereon at 3 per centum per annum compounded as of June 30 of each year, shall, at the date of his retirement, be available to purchase, as he shall elect and in accordance with such rules and regulations as may be prescribed by the Civil Service Commission with the approval of the Board of Actuaries, in addition to the annuity provided by this Act, an annuity according to the experience of the civil-service retirement and disability fund as may from time to time be set forth in tables of annuity values by the Board of Actuaries based on an interest rate of 4 per centum. In the event of death or separation from the service of such employee before becoming eligible for retirement on annuity, the total amount so deposited with interest at 3 per centum per annum compounded on June 30 of each year shall be refunded in accordance with the provisions of section 12 of this Act.

The Secretary of the Treasury is hereby authorized and empowered in carrying out the provisions of this Act to supplement the individual contributions of employees with moneys received in the form of donations, gifts, legacies, or bequests, or otherwise, and to receive, deposit, and invest for the purposes of this Act all moneys which may be contributed by private individuals or corporations or organ-

izations for the benefit of civil-service employees generally.

Every employee coming within the provisions of this Act shall be deemed to consent and agree to the deductions from salary, pay, or compensation as provided herein, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services rendered by such employee during the period covered by such payment, except the right to the benefits to which he shall be entitled under the provisions of this Act, notwithstanding the provisions of sections 167, 168, and 169 of the Revised Statutes of the United States, and of any other law, rule, or regulation affecting the salary, pay, or compensation of any person or persons employed in the civil service to whom this Act applies. (May 22, 1920, secs. 8, 9, 41 Stat. 618; July 3, 1926, sec. 10, 44 Stat. 910; May 29, 1930, sec. 10, 46 Stat. 475; Aug. 4, 1939, sec. 4, 53 Stat. 1202; 5 U. S. C., sec. 719, sec. 719–1, sec. 721, sec. 722.)

250-1. Automatic separation; exceptions.—The provisions of section 2 of such Act of May 29, 1930, and of section 204 of the Economy Act of June 30, 1932, and any Executive orders pursuant thereto, relating to automatic separation, shall not apply to any officer or employee to whom the provisions of such Act are extended by this Act, nor hereafter to employees of the office of the Architect of the Capitol. (July

13, 1937, sec. 3, 50 Stat. 513; 5 U. S. C., sec. 715d.)

250-2. Deposits by employees in legislative branch and of courts.—No such employee whose salary or any part thereof is paid by the disbursing officer of the Senate shall make any deposit required by section 9, or any redeposit required by subsection (b) of section 12, of such Act of May 29, 1930, and there shall not be deducted and withheld from the basic salary, pay, or compensation of any such employee the sum required to be deducted and withheld by section 10 of such Act of May 29, 1930, unless and until such employee shall have completed seven years of service: Provided, That before any such employee may derive any of the benefits provided by such Act of May 29, 1930, he shall be required to deposit an amount equal to the following sums: (1) The sum which would have been deducted and withheld from his basic salary, pay, or compensation but for the foregoing provisions of this paragraph, together with interest on such sum computed at the rate of 4 per centum per annum compounded on June 30 of each fiscal year; (2) any sum required to be deposited under the provisions of section 9 of such Act of May 29, 1930; and (3) any sum required to be redeposited under the provisions of subsection (b) of section 12 of such Act of May 29, 1930: Provided further, That should any such employee who shall have served for a total period of not less than five years become totally disabled for useful and efficient service, within the meaning of section 6 of such Act of May 29, 1930, before completing seven years of service, he shall be entitled to the benefits provided by such section 6, upon deposit of the amount required to be deposited under the preceding proviso. (July 13, 1937, sec. 2, 50 Stat. 513, as amended June 25, 1938, 52 Stat. 1197; 5 U.S. C., sec. 719a.)

COMPENSATION FOR INJURIES TO EMPLOYEES OF UNITED STATES

256a. Monthly compensation for total and for partial disability; increase on basis of expectancy of earning capacity; decrease on account of old age.—That the monthly compensation for total disability shall not be more than \$116.66, nor less than \$58.33, unless the employee's monthly pay is less than \$58.33, in which case his monthly compensation shall be the full amount of his monthly pay. The monthly compensation for partial disability shall not be more than \$116.66. In the case of persons who at the time of the injury were minors or employed in a learner's capacity and who were not physically or mentally defective the commission shall, on any review after the time when the monthly wage-earning capacity of such persons would probably, but for the injury, have increased, award compensation based on such probable monthly wage-earning capacity. The commission may, on any review after the time when the monthly wage-earning capacity of the disabled employee would probably, irrespective of the injury, have decreased on account of old age, award compensation based on such probable monthly wage-earning capacity.

In addition to the monthly compensation the Employees' Compensation Commission may pay an injured employee awarded compensation for permanent total disability from injury an additional sum of not more than \$50 a month, as the Commission may deem necessary, when the Commission shall find that the service of an attendant is necessary constantly to be used by reason of the employee being totally blind, or having lost both hands or both feet or the use

thereof, or is paralyzed and unable to walk, or by reason of other total disability actually rendering him so helpless as to require constant attendance. (Sept. 7, 1916, sec. 6, 39 Stat. 743; Feb. 12, 1927, sec. 1, 44 Stat. 1086; May 13, 1936, 49 Stat. 1270; 5 U. S. C., sec. 756.)

287a. Compensation for disability or death of Government employees;

definitions.—That wherever used in this Act—

The singular includes the plural and the masculine includes the

The term "employee" includes all civil employees of the United States and of the Panama Railroad Company and all persons, other than independent contractors and their employees, employed on the Menominee Indian Reservation in the State of Wisconsin, subsequent to September 7, 1916, in operations conducted pursuant to the Act entitled "An Act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation in the State of Wisconsin", approved March 28, 1908, as amended, or any other Act relating to tribal timber and logging operations on the Menominee Reservation.

The term "commission" shall be taken to refer to the United States Employees' Compensation Commission provided for in section 28.

The term "physician" includes surgeons and osteopathic practitioners within the scope of their practice as defined by State law.

The term "medical, surgical, and hospital services and supplies" includes services and supplies by osteopathic practitioners and hospitals within the scope of their practice as defined by State law.

The term "monthly pay" shall be taken to refer to the monthly

pay at the time of the injury.

The term "injury" includes, in addition to injury by accident, any

disease proximately caused by the employment.

The term "compensation" includes the money allowance payable to an employee or his dependents and any other benefits paid for out of the compensation fund: Provided, however, That this shall not in any way reduce the amount of the monthly compensation payable in

case of disability or death.

Any award heretofore made by the United States Employees' Compensation Commission under such Act of September 7, 1916, to persons coming within the purview of the first section hereof, for disability or death resulting from a personal injury sustained prior to the enactment of this Act, shall be valid, if such award would be valid if made in respect to an injury or death sustained after the enactment of this Act. Claim on account of disability or death of any person coming within the purview of the first section hereof, for benefits on account of injury incurred subsequent to July 28, 1935, may be filed under said Act: Provided, That such claim be filed within one year after the approval hereof. (Sept. 7, 1916, sec. 40, 39 Stat. 750; June 5, 1924, sec. 2, 43 Stat. 389; May 31, 1938, 52 Stat. 586; Apr. 11, 1940, secs. 1, 2, 54 Stat. 105; 5 U. S. C., sec. 790.)

288-1. Benefits of the United States Employees' Compensation Act extended to members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army.—That where in time of peace any member of the Officers' Reserve Corps or of the Enlisted Reserve Corps of the Army was physically injured in line of duty (1) while on active duty, or (2)

while engaged in authorized travel to and from such duty, or (3) while engaged in authorized training without pay, or dies or has died as the result of such physical injury, where such injury or death occurred between the dates of February 28, 1925, and July 15, 1939, both inclusive, when such injury or death results from an accident involving a military hazard such as flying in military aircraft, participation in military drills, target practice and tactical exercises, and in injury cases where such injury has resulted in permanent partial or permanent total disability, he or his beneficiary shall be entitled to all the benefits prescribed by law for civil employees of the United States who are physically injured in line of duty or who die as a result thereof, and the United States Employees' Compensation Commission shall have jurisdiction in such cases and shall perform the same duties with reference thereto as to the cases of civil employees of the United States so injured: Provided, That the benefits shall accrue to any such member, or his beneficiary, whether the disability or death is the result of sickness or disease contracted in line of duty while on active duty when such sickness or disease is proximately caused by service on active duty: Provided further, That employees' compensation under this Act shall not be paid concurrently with active-duty pay or pension based upon military service, and in the event a person becomes eligible for the benefits of the United States Employees' Compensation Act and is also eligible for, or is in receipt of, a pension based upon military service, he shall elect which benefit to receive: Provided further, That authorized training without pay is defined as inactive-status training under written authorization by competent military authority covering a specific training assignment and prescribing a time limit: Provided further, That for the purpose of determining benefits to which entitled under the provisions of this Act members of the Officers' Reserve Corps or of the Enlisted Reserve Corps of the Army physically injured when engaged in authorized training without pay will be held and considered as receiving the pay and allowances they would have received if in a pay status: And provided further, That nothing herein shall be construed to authorize compensation benefits which may have accrued for any period prior to the approval of this Act, but eligiblity for compensation benefits shall be determined as of the date of approval of this Act and any benefits payable shall date only from such approval and the eight-year period of limitation in section 10-G of the Federal Employees' Compensation Act of September 7, 1916, shall be computed for purposes of this Act, from the date of approval thereof.

Where injury or death has been sustained by any member of the Officers' Reserve Corps or Enlisted Reserve Corps while performing authorized training without pay upon inactive status it shall be presumed that such training was being performed under written authorization of competent military authority covering a specific training assignment and prescribing a time limit and thus subject to the provision of this Act unless a duly appointed Examining Board, appointed at the time of said accident, has found and reported to the contrary.

All claims for disability or death benefits allowed under the provisions of this Act shall be made within one year from its approval by the President. (July 18, 1940, 54 Stat. 762.)

OFFICIAL AND PENAL BONDS

306a. Terms "bonds and notes of the United States" construed.—In order to avoid the frequent substitution of securities such rules and regulations may limit the effect of this section, in appropriate classes of cases, to bonds and notes of the United States maturing more than a year after the date of deposit of such bonds as security. The phrase "bonds or notes of the United States" shall be deemed, for the purposes of this section, to mean any public-debt obligations of the United States and any bonds, notes, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States. (Feb. 26, 1926, sec. 1126, 44 Stat. 122; Feb. 4, 1935, sec. 7, 49 Stat. 22; 6 U. S. C., sec. 15.)

AGRICULTURE

COMMODITY EXCHANGES

307. Short title of act.—That this Act may be cited as the "Commodity Exchange Act." (Sept. 21, 1922, sec. 1, 42 Stat. 998; June 15,

1936, sec. 1, 49 Stat. 1491; 7 U. S. C., sec. 1.)

307a. Words "grain" and "cash grain" in Grain Futures Act stricken and words substituted therefor.—The Grain Futures Act (U. S. C., 1934 ed. title 7, secs. 1 to 17, inclusive) is amended by striking out the word "grain" wherever it appears in such Act and inserting in lieu thereof "commodity", "any commodity", or "commodities", as the case may require, and by striking out the phrase "cash grain" wherever such phrase appears and inserting in lieu thereof "any cash commodity". (Sept. 21, 1922, secs. 1 to 17, inclusive, 42 Stat. 998; June 15, 1936, sec.

2, 49 Stat. 1491.)

308. Definitions—"Contract of sale", "person", "commodity", "future delivery", "board of trade", "interstate commerce", "member of a contract market", "futures commission merchant", "floor broker".—(a) For the purposes of this Act "contract of sale" shall be held to include sales, agreements of sale, and agreements to sell. The word "person" shall be construed to import the plural or singular, and shall include indivviduals, associations, partnerships, corporations, and trusts. The word "commodity" shall mean wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, mill feeds, butter, eggs, Solanum tuberosum (Irish potatoes), wool tops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans and soybean meal. The term "future delivery" as used herein, shall not include any sale of any cash commodity for deferred shipment or delivery. The words "board of trade" shall be held to include and mean any exchange or association, whether incorporated or unincorporated, of persons who shall be engaged in the business of buying or selling any commodity or receiving the same for sale on consignment. The act, omission, or failure of any official, agent, or other person acting for any individual, association, partnership, corporation, or trust within the scope of his employment or office shall be deemed the act, omission, or failure of such individual, association, partnership, corporation, or trust, as well as of such official, agent, or other person. The words "interstate commerce" shall be

construed to mean commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof, or within any Territory or possession, or the District of Columbia. The words "cooperative association of producers" shall mean any cooperative association, corporate or otherwise, not less than 75 per centum in good faith owned or controlled, directly or indirectly, by producers of agricultural products and otherwise complying with an Act of Congress of February 18, 1922 (U. S. C., 1934 ed., title 7, secs. 291 and 292), as now or hereafter amended, including any organization acting for a group of such associations and owned or controlled by such associations, provided that business done for or with the United States of America, or any agency thereof, shall not be considered either member or nonmember business in determining the compliance of any such association with said Act of Congress of February 18, 1922. The words "member of a contract market" shall mean and include individuals, associations, partnerships, corporations, and trusts owning or holding membership in, or admitted to membership representation on, a contract market or given members' trading privileges The words "futures commission merchant" shall mean and include individuals, associations, partnerships, corporations, and trusts engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market and that, in or in connection with such solicitation or acceptance of orders, accepts any money, securities, or property (or extends credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom. words "floor broker" shall mean any person who, in or surrounding any "pit", "ring", "post", or other place provided by a contract market for the meeting of persons similarly engaged, shall engage in executing for others any order for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market, and who for such services receives or accepts any commission or other compensation. The words "the commission" shall mean the Commodity Exchange Commission, consisting of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General.

When transaction deemed in intrastate commerce; "State" defined .--(b) For the purposes of this Act (but not in any wise limiting the foregoing definition of interstate commerce) a transaction in respect to any article shall be considered to be in interstate commerce if such article is part of that current of commerce usual in the commodity trade whereby commodities and commodity products and byproducts thereof are sent from one State with the expectation that they will end their transit, after purchase, in another, including, in addition to cases within the above general description, all cases where purchase or sale is either for shipment to another State, or for manufacture within the State and the shipment outside the State of the products resulting from such manufacture. Articles normally in such current of commerce shall not be considered out of such commerce through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this Act. For the purpose of this paragraph the word "State" includes Territory, the District of

Columbia, possession of the United States, and foreign nation. (Sept. 21, 1922, sec. 2, 42 Stat. 998; June 15, 1936, secs. 2, 3, 49 Stat. 1491; April 7, 1938, 52 Stat. 205; October 9, 1940, 54 Stat. 1059; 7 U. S. C.,

secs. 2, 3.)

309. Resolutions declaring dangers to national public interest of dealings in commodity futures .- Transactions in commodities involving the sale thereof for future delivery as commonly conducted on boards of trade and known as "futures" are affected with a national public interest; that such transactions are carried on in large volume by the public generally and by persons engaged in the business of buying and selling commodities and the products and byproducts thereof in interstate commerce; that the prices involved in such transactions are generally quoted and disseminated throughout the United States and in foreign countries as a basis for determining the prices to the producer and the consumer of commodities and the products and byproducts thereof and to facilitate the movements thereof in interstate commerce; that such transactions are utilized by shippers, dealers, millers, and others engaged in handling commodities and the products and byproducts thereof in interstate commerce as a means of hedging themselves against possible loss through fluctuations in price; that the transactions and prices of commodities on such boards of trade are susceptible to speculation, manipulation, and control, and sudden or unreasonable fluctuations in the prices thereof frequently occur as a result of such speculation, manipulation, or control, which are detrimental to the producer or the consumer and the persons handling commodities and products and byproducts thereof in interstate commerce, and that such fluctuations in prices are an obstruction to and a burden upon interstate commerce in commodities and the products and byproducts thereof and render regulation imperative for the protection of such commerce and the national public interest therein. (Sept. 21, 1922, sec. 3, 42 Stat. 999; June 15, 1936, sec. 2, 49 Stat. 1491; 7 U. S. C., secs. 2, 5.)

310. Prohibition against dealings in commodity futures; general exceptions.—It shall be unlawful for any person to deliver for transmission through the mails or in interstate commerce by telegraph, telephone, wireless, or other means of communication any offer to make or execute, or any confirmation of the execution of, or any quotation or report of the price of, any contract of sale of any commodity for future delivery on or subject to the rules of any board of trade in the United States, or for any person to make or execute such contract of sale, which is or may be used for (a) hedging any transaction in interstate commerce in any commodity or the products or byproducts thereof, or (b) determining the price basis of any such transaction in interstate commerce, or (c) delivering any commodity sold, shipped, or received in interstate commerce for the fulfillment thereof, except, in any of the foregoing cases, where such contract is made by or through a member of a board of trade which has been designated by the Secretary of Agriculture as a "contract market," as hereinafter provided, and if such contract is evidenced by a record in writing which shows the date, the parties to such contract and their addresses, the property covered and its price, and the terms of delivery: *Provided*, That each board member shall keep such record for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture

shall so direct, which record shall at all times be open to the inspection of any representative of the United States Department of Agriculture or the United States Department of Justice. (Sept. 21, 1922, sec. 4, 42 Stat. 999; June 15, 1936, secs. 2, 4, 49 Stat. 1491, 1492; 7 U. S. C.,

secs. 2, 6.)

Excessive speculation as burden on interstate commerce; trading limits; hedging transactions; application of section.—(1) Excessive speculation in any commodity under contracts of sale of such commodity for future delivery made on or subject to the rules of contract markets causing sudden or unreasonable fluctuations or unwarranted changes in the price of such commodity, is an undue and unnecessary burden on interstate commerce in such commodity. For the purpose of diminishing, eliminating, or preventing such burden, the commission shall, from time to time, after due notice and opportunity for hearing, by order, proclaim and fix such limits on the amount of trading under contracts of sale of such commodity for future delivery on or subject to the rules of any contract market which may be done by any person as the commission finds is necessary to diminish, eliminate, or prevent such burden. Nothing in this section shall be construed to prohibit the commission from fixing different trading limits for different commodities, markets, futures, or delivery months, or different trading limits for buying and selling operations, or different limits for the purposes of subparagraphs (A) and (B) of this section, or from exempting transactions commonly known to the trade as "spreads" or "straddles" or from fixing trading limits applying to such transactions different from trading limits fixed for other transactions.

(2) The commission shall, in such order, fix a reasonable time (not to exceed ten days) after the order's promulgation; after which, and until such order is suspended, modified, or revoked, it shall be unlaw-

ful for any person—

(A) directly or indirectly to buy or sell, or agree to buy or sell, under contracts of sale of such commodity for future delivery on or subject to the rules of the contract market or markets to which the order applies, any amount of such commodity during any one business day in excess of any trading limit fixed for one business day by the commission in such order for or with respect to such commodity;

(B) directly or indirectly to buy or sell, or agree to buy or sell, under contracts of sale of such commodity for future delivery on or subject to the rules of any contract market, any amount of such commodity that shall result in giving such person a net long or net short position at any one time in or with respect to any such commodity in excess of any trading limit fixed by the commission for net long or net short position in such order for or with respect to such commodity.

(3) No order issued under paragraph (1) of this section shall apply to transactions which are shown to be bona fide hedging transactions. For the purposes of this paragraph, bona fide hedging transactions shall mean sales of any commodity for future delivery on or subject to the rules of any board of trade to the extent that such sales are offset in quantity by the ownership or purchase of the same cash commodity or, conversely, purchases of any commodity

for future delivery on or subject to the rules of any board of trade to the extent that such purchases are offset by sales of the same cash commodity. There shall be included in the amount of any commodity which may be hedged by any person—

(A) the amount of such commodity such person is raising, or in good faith intends or expects to raise, within the next twelve months, on land (in the United States or its Territories) which such person

owns or leases;

(B) an amount of such commodity the sale of which for future delivery would be a reasonable hedge against the products or byproducts of such commodity owned or purchased by such person, or the purchase of which for future delivery would be a reasonable hedge against the sale of any product or byproduct of such commodity by

such person.

(4) This section shall apply to a person that is registered as a futures commission merchant or as floor broker under authority of this Act only to the extent that transactions made by such person are made on behalf of or for the account or benefit of such person. This section shall not apply to transactions made by, or on behalf of, or at the direction of, the United States, or a duly authorized agency thereof. (Sec. 4a, added June 15, 1936, sec. 5, 49 Stat. 1492; 7

U. S. C., sec. 6a.)

Contracts designed to defraud or mislead customer; bucketing orders; buying and selling orders for cotton. It shall be unlawful for any member of a contract market, or for any correspondent, agent, or employee of any member, in or in connection with any order to make, or the making of (1) any contract of sale of any commodity in interstate commerce, or (2) any contract of sale of any commodity for future delivery made, or to be made, on or subject to the rules of any contract market for or on behalf of any person if such contract for future delivery is or may be used for (a) hedging any transaction in interstate commerce in such commodity or the products or byproducts thereof, or (b) determining the price basis of any transaction in interstate commerce in such commodity, or (c) delivering any such commodity sold, shipped, or received in interstate commerce for the fulfillment thereof—

(A) to cheat or defraud or attempt to cheat or defraud such person;
(B) willfully to make or cause to be made to such person any false report or statement thereof, or willfully to enter or cause to be entered

for such person any false record thereof;

(C) willfully to deceive or attempt to deceive such person by any means whatsoever in regard to any such order or contract or the disposition or execution of any such order or contract, or in regard to any act of agency performed with respect to such order or contract for such person; or

(D) to bucket such order, or to fill such order by offset against the order or orders of any other person, or willfully and knowingly and without the prior consent of such person to become the buyer in respect to any selling order of such person, or become the seller in

respect to any buying order of such person.

Nothing in this section or in any other section of this Act shall be construed to prevent a futures commission merchant or floor broker who shall have in hand, simultaneously, buying and selling orders at

the market for different principals for a like quantity of cotton for future delivery in the same month, from executing such buying and selling orders at the market price: Provided, That any such execution shall take place on the floor of the exchange where such orders are to be executed at public outcry across the ring and shall be duly reported, recorded, and cleared in the same manner as other orders executed on such exchange. (Sec. 4b, added June 15, 1936, sec. 5, 49

Stat. 1493; 7 U. S. C., sec. 6b.) Wash sales; cross trades; fictitious sales; privileges; offers; puts; calls; guaranties. It shall be unlawful for any person to offer to enter into, enter into, or confirm the execution of, any transaction involving any commodity, which is or may be used for (1) hedging any transaction in interstate commerce in such commodity or the products or byproducts thereof, or (2) determining the price basis of any such transaction in interstate commerce in such commodity, or (3) delivering any such commodity sold, shipped, or received in interstate commerce for the fulfillment thereof-

(A) if such transaction is, is of the character of, or is commonly known to the trade as, a "wash sale", "cross trade", or "accommodation trade", or is a fictitious sale;

(B) if such transaction is, is of the character of, or is commonly known to the trade as, a "privilege", "indemnity", "bid", "offer", "put", "call", "advance guaranty", or "decline guaranty", or (C) if such transaction is used to cause any price to be reported,

registered, or recorded which is not a true and bona fide price.

Nothing in this section shall be construed to prevent the exchange of futures in connection with cash commodity transactions or of futures for cash commodities, or of transfer trades or office trades if made in accordance with board of trade rules applying to such transactions and such rules shall not have been disapproved by the Secretary of Agriculture. Nothing in this section or section 4b shall be construed to impair any State law applicable to any transaction 1936, sec. 5, 49 Stat. 1494; 7 U. S. C., sec. 6c.) enumerated or described in such sections.

prohibited; moneys and securities of customers, care and use. It shall be unlawful for any person to engage as futures commission merchant in soliciting orders or accepting orders for the purchase or sale of any commodity for future delivery, or involving any contacts of sale of any commodity for future delivery, on or subject to the

rules of any contract market unless-

(1) such person shall have registered, under this Act, with the Secretary of Agriculture as such futures commission merchant and such registration shall not have expired nor been suspended nor

revoked; and

(2) such person shall, whether a member or nonmember of a contract market, treat and deal with all money, securities, and property received by such person to margin, guarantee, or secure the trades or contracts of any customer of such person, or accruing to such customer as the result of such trades or contracts, as belonging to such customer. Such money, securities, and property shall be separately accounted for and shall not be commingled with the funds of such commission merchant or be used to margin or guarantee the

trades or contracts, or to secure or extend the credit, of any customer or person other than the one for whom the same are held: Provided, however, That such money, securities, and property of the customers of such futures commission merchant may, for convenience, be commingled and deposited in the same account or accounts with any bank or trust company or with the clearing house organization of such contract market, and that such share thereof as in the normal course of business shall be necessary to margin, guarantee, secure, transfer, adjust, or settle the contracts or trades of such customers, or resulting market positions, with the clearing-house organization of such contract market or with any member of such contract market, may be withdrawn and applied to such purposes, including the payment of commissions, brokerage, interest, taxes, storage, and other charges, lawfully accruing in connection with such contracts and trades: Provided further, That such money may be invested in obligations of the United States, in general obligations of any State or of any political subdivision thereof, in obligations fully guaranteed as to principal and interest by the United States, and in "investment securities" as defined in and under authority of section 5136 of the Revised Statutes, as amended, and, subject to approval by the Secretary of Agriculture, may be loaned on the security of negotiable warehouse receipts conveying or securing title to readily marketable commodities to the extent of the current loan value of such receipts, such investments and loans to be made in accordance with such rules and regulations and subject to such conditions as the Secretary of Agriculture may prescribe. (Sec. 4d, added June 15, 1936, sec. 5, 49 Stat. 1494; 7 U. S. C., sec. 6d.)

Floor brokers; dealings by unregistered broker prohibited. It shall be unlawful for any person to act as floor broker in executing any orders for the purchase or sale of any commodity for future delivery, or involving any contracts of sale of any commodity for future delivery, on or subject to the rules of any contract market unless such person shall have registered, under this Act, with the Secretary of Agriculture as such floor broker and such registration shall not have expired nor been suspended nor revoked. (Sec. 4e, added

June 15, 1936, sec. 5, 49 Stat. 1495; 7 U. S. C., sec. 6e.)

Registration of commission merchants and brokers; posting registration. (1) Any person desiring to register as futures commission merchant or as floor broker hereunder shall be registered upon application to the Secretary of Agriculture, which application shall be made in form and manner to be prescribed by the Secretary of Agriculture, giving such information and facts as the Secretary of Agriculture may deem necessary concerning the business in which the applicant is or will be engaged, including, in the case of applications of futures commission merchants, the names and addresses of the managers of all branch offices and of all correspondents and agents engaged in soliciting or accepting on behalf of such applicant any orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any board of trade, and including also the names of its officers and partners, if a partnership, and of its officers, directors, and stockholders, as the Secretary of Agriculture may direct, if a corporation. Such person, when registered hereunder, shall likewise continue to report and furnish to the Secretary of

Agriculture the above-mentioned information and such other information pertaining to his business as the Secretary of Agriculture may require. All registrations shall expire on the 31st day of December of the year for which issued, and shall be renewed upon application therefor unless the registration has been suspended (and the period of such suspension has not expired) or revoked after

notice and hearing as prescribed in section 4g of this Act.

(2) Any person registered as futures commission merchant hereunder shall post in a conspicuous place in each of the offices maintained by such person in the United States in which orders for the purchase or sale of any commodity for future delivery are solicited or accepted, the original or duplicate copy (issued by the Secretary of Agriculture) of such person's registration certificate as such futures commission merchant. (Sec. 4f, added June 15, 1936, sec. 5,

49 Stat. 1495; 7 U. S. C., sec. 6f.)

Revocation or suspension of registration for designated offense. If any person registered hereunder as futures commission merchant or floor broker shall violate any of the provisions of this Act, or any of the rules or regulations of the Secretary of Agriculture thereunder, or shall fail or refuse to make any report required by the Secretary of Agriculture regarding the transactions of such person, or the transactions of the customers thereof, in commodities for future delivery on any board of trade in the United States or elsewhere, or shall fail or refuse to keep the books and records pertaining to such transactions in the form and manner required by the Secretary of Agriculture, or shall fail or refuse to keep such books and records open to inspection by any representative of the United States Department of Agriculture or the United States Department of Justice, the registration of such person may be suspended or revoked after notice and hearing in accordance with the procedure and subject to the judicial review provided in paragraph (b) of section 6 of this Act. (Sec. 4g, added June 15, 1936, sec. 5, 49 Stat. 1496; 7 U. S. C., sec. 6g.)

Dealing other than through member of contract market. It shall be

unlawful for any person—

(1) to conduct any office or place of business anywhere in the United States or its territories for the purpose of soliciting or accepting any orders for the purchase or sale of any commodity for future delivery, or for making or offering to make any contracts for the purchase or sale of any commodity for future delivery, or for conducting any dealings in commodities for future delivery, that are or may be used for

(A) hedging any transaction in interstate commerce in such

commodity or the products or byproducts thereof, or

(B) determining the price basis of any such transaction in

interstate commerce, or

(C) delivering any such commodity sold, shipped, or received in interstate commerce for the fulfillment thereof,

if such orders, contracts, or dealings are executed or consummated otherwise than by or through a member of a contract market; or

(2) falsely to represent such person to be a member of a contract market, or the representative or agent of such member, or to be a

futures commission merchant registered under this Act, or the agent of such registered futures commission merchant, in soliciting or handling any order or contract for the purchase or sale of any commodity in interstate commerce or for future delivery, or falsely to represent in connection with the handling of any such order or contract that the same is to be or has been executed on, or by or through any member of, any contract market. (Sec. 4h, added June 15, 1936,

sec. 5, 49 Stat. 1496; 7 U. S. C., sec. 6h.)

Reports of deals equal to or in excess of trading limits; books and records. It shall be unlawful for any person to make any contract for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market unless such person shall report or cause to be reported to the properly designated officer in accordance with the rules and regulations of the Secretary of Agriculture (1) whenever such person shall directly or indirectly make such contracts with respect to any commodity, or any future of such commodity, during any one day in an amount equal to or in excess of such amount as shall be fixed from time to time by the Secretary of Agriculture; and (2) whenever such person shall directly or indirectly have or obtain a long or short position in any commodity or in any future of such commodity, equal to or in excess of such amount as shall be fixed from time to time by the Secretary of Agriculture. Such person shall also keep books and records of transactions coming within the provisions of (1) and (2) hereof, which books and records shall show complete details concerning all such transactions, including the names and addresses of all persons having any interest therein, and shall be open at all times to inspection by any representative of the United States Department of Agriculture or the United States Department of Justice. (Sec. 4i, added June 15, 1936, sec. 5, 49 Stat. 1496; 7 U. S. C., sec. 6i.)

311. Designation of board of trade as "contract markets"; conditions.— The Secretary of Agriculture is hereby authorized and directed to designate any board of trade as a "contract market" when, and only when, such board of trade complies with and carries out the following

conditions and requirements:

(a) When located at a terminal market where any cash commodity of the kind specified in the contracts of sale of commodities for future delivery to be executed on such board is sold in sufficient volumes and under such conditions as fairly to reflect the general value of the commodity and the differences in value between the various grades of such commodity, and where there is available to such board of trade official inspection service approved by the Secretary of Agriculture for the purpose: *Provided*, That any board of trade not so located shall be designated as a "contract market" if such board of trade provides for the delivery of commodities on such contracts at a delivery point or points and upon terms and conditions approved by the Secretary of Agriculture.

(b) When the governing board thereof provides for the making and filing by the board or any member thereof, as the Secretary of Agriculture may direct, of reports in accordance with the rules and regulations, and in such manner and form and at such times as may be prescribed by the Secretary of Agriculture, showing the details and terms of all transactions entered into by the board, or the members

thereof, either in cash transactions consummated at, on, or in a board of trade, or transactions for future delivery, and when such governing board provides, in accordance with such rules and regulations, for the keeping of a record by the board or the members of the board of trade, as the Secretary of Agriculture may direct, showing the details and terms of all cash and future transactions entered into by them, consummated at, on, or in a board of trade, such record to be in permanent form, showing the parties to all such transactions, including the persons for whom made, any assignments or transfers thereof, with the parties thereto, and the manner in which said transactions are fulfilled, discharged, or terminated. Such record shall be required to be kept for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct, and shall at all times be open to the inspection of any representative of the United States Department of Agriculture or United States Department of Justice.

(c) When the governing board thereof provides for the prevention of dissemination by the board or any member thereof, of false or misleading or knowingly inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of any commodity in interstate commerce.

(d) When the governing board thereof provides for the prevention of manipulation of prices and the cornering of any commodity by the

dealers or operators upon such board.

(e) When the governing board thereof does not exclude from membership in, and all privileges on, such board of trade, any duly authorized representative of any lawfully formed and conducted cooperative association of producers having adequate financial responsibility which is engaged in any cash commodity business, if such association has complied, and agrees to comply, with such terms and conditions as are or may be imposed lawfully on other members of such board: *Provided*, That no rule of a contract market shall forbid or be construed to forbid the return on a patronage basis by such cooperative association to its bona fide members of moneys collected in excess of the expense of conducting the business of such association.

(f) When the governing board provides for making effective the final orders or decisions entered pursuant to the provisions of paragraph (b) of section 6 of this Act. (Sept. 21, 1922, sec. 5, 42 Stat. 1000; June 15, 1936, secs. 2, 6, 49 Stat. 1491, 1497; 7 U. S. C., secs. 2, 7.)

Duties of contract markets. Each contract market shall—

(1) promptly furnish the Secretary of Agriculture copies of all bylaws, rules, regulations, and resolutions made or issued by it or by the governing board thereof or any committee, and of all changes

and proposed changes therein;

(2) allow inspection at all times by any authorized representative of the United States Department of Agriculture or United States Department of Justice of the books, records, and all minutes and journals of proceedings of such contract market, its governing board and all committees, and of all subsidiaries and affiliates of such contract market, which books, records, minutes, and journals of proceedings shall be kept for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct;

(3) require the operators of warehouses in which or out of which any commodity is deliverable on any contract for future delivery made on or subject to the rules of such contract market, to make such reports, keep such records, and permit such warehouse visitation as the Secretary of Agriculture may prescribe. Such books and records shall be required to be kept for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct, and such books, records, and warehouses shall be open at all times to inspection by any representative of the United States Department of Agriculture or United States Department of Justice;

(4) when so directed by order of the Secretary of Agriculture, provide for a period, after trading in contracts of sale of any commodity for future delivery in a delivery month has ceased, during which contracts of sale of such commodity for future delivery in such month may be satisfied by the delivery of the actual cash commodity. Whenever, after due notice and opportunity for hearing, the Secretary of Agriculture finds that provision for such a period of delivery for any one or more commodities or markets would prevent or tend to prevent "squeezes" and market congestion endangering price stability, he shall, by order, require such period of delivery (which shall be not less than three nor more than ten business days) applicable to such commodities and markets as he finds will prevent or tend to prevent such "squeezes" and market congestion: Provided, however, That such order shall not apply to then existing contracts;

(5) require the party making delivery of any commodity on any contract of sale of such commodity for future delivery to furnish the party obligated under the contract to accept delivery, written notice of the date of delivery at least one business day prior to such date of delivery. Whenever, after due notice and opportunity for hearing, the Secretary of Agriculture finds that the giving of longer notice of delivery is necessary to prevent or diminish unfair practices in trading in any one or more commodities or markets, he shall by order require such longer notice of delivery (which shall be not more than ten business days) applicable to such commodities and markets as he finds will prevent or diminish such unfair practices: *Provided*, however, That such order shall not apply to then existing contracts;

(6) require that all contracts of sale of any commodity for future delivery on such contract market shall provide for the delivery thereunder of commodities of grades conforming to United States standards, if such standards shall have been officially promulgated; and

(7) require that receipts issued under the United States Warehouse Act (U. S. C., 1934 ed., title 7, secs. 241–273) shall be accepted in satisfaction of any futures contract, made on or subject to the rules of such contract market, without discrimination and notwithstanding that the warehouseman issuing such receipts is not also licensed as a warehouseman under the laws of any State or enjoys other or different privileges than under State law: Provided, however, That such receipts shall be for the kind, quality, and quantity of commodity specified in such contract and that the warehouse in which the commodity is stored meets such reasonable requirements as may be imposed by such contract market on other warehouses as to location, accessibility, and suitability for warehousing and delivery purposes. (Sec. 5a, added June 15, 1936, sec. 7, 49 Stat. 1497; 7 U. S. C., sec. 7a.)

"Contract market"; suspension or revocation of designation for violation. The failure or refusal of any board of trade to comply with any of the provisions of this Act, or any of the rules and regulations of the Secretary of Agriculture thereunder, shall be cause for suspending for a period not to exceed six months or revoking the designation of such board of trade as a "contract market" in accordance with the procedure and subject to the judicial review provided in paragraph (a) of section 6 of this Act. (Sec. 5b, added June 15, 1936, sec. 7, 49 Stat. 1498: 7 U. S. C, sec. 7b.

312. Application for designation as "contract market"; suspension or revocation of designation; composition of commission; review; exclusion from privilege of "contract markets"; provisions of Interstate Commerce Act made applicable.—Any board of trade desiring to be designated a "contract market" shall make application to the Secretary of Agriculture for such designation and accompany the same with a showing that it complies with the above conditions, and with a sufficient assurance that it will continue to comply with the above requirements.

(a) A commission composed of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General is authorized to suspend for a period not to exceed six months or to revoke the designation of any board of trade as a "contract market" upon a showing that such board of trade has failed or is failing to comply with any of the above requirements or is not enforcing its rules of government made a condition of its designation as set forth in section 5. Such suspension or revocation shall only be after a notice to the officers of the board of trade affected and upon a hearing: Provided, That such suspension or revocation shall be final and conclusive unless within fifteen days after such suspension or revocation by the said commission such board of trade appeals to the circuit court of appeals for the circuit in which it has its principal place of business by filing with the clerk of such court a written petition praying that the order of the said commission be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that such board of trade will pay the costs of the proceedings if the court so directs. The clerk of the court in which such a petition is filed shall immediately cause a copy thereof to be delivered to the Secretary of Agriculture, chairman of said commission, or any member thereof, and the said commission shall forthwith prepare, certify, and file in the court a full and accurate transcript of the record in such proceedings, including the notice to the board of trade, a copy of the charges, the evidence, and the report and order. The testimony and evidence taken or submitted before the said commission duly certified and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case. The proceedings in such cases in the circuit court of appeals shall be made a preferred cause and shall be expedited in every way. Such a court may affirm or set aside the order of the said commission or may direct it to modify its order. No such order of the said commission shall be modified or set aside by the circuit court of appeals unless it is shown by the board of trade that the order is unsupported by the weight of the evidence or was issued without due notice and a reasonable opportunity having been afforded to such board of trade for a hearing, or infringes the Constitution of the United States, or is beyond the jurisdiction of said commission: Provided further, That if the Secretary of Agriculture shall refuse to designate as a contract market any board of trade that has made application therefor, then such board of trade may appeal from such refusal to the commission described therein, consisting of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General of the United States, with the right to appeal as provided for in other cases in this section, the decision on such appeal to be

final and binding on all parties interested.

(b) If the Secretary of Agriculture has reason to believe that any person (other than a contract market) is violating or has violated any of the provisions of this Act, or any of the rules and regulations made pursuant to its requirements, or has manipulated or is attempting to manipulate the market price of any commodity, in interstate commerce, or for future delivery on or subject to the rules of any board of trade, he may serve upon such person a complaint stating his charges in that respect, to which complaint shall be attached or contained therein a notice of hearing, specifying a day and place not less than three days after the service thereof, requiring such person to show cause why an order should not be made directing that all contract markets until further notice of the Secretary of Agriculture refuse all trading privileges to such person, and to show cause why the registration of such person, if registered as futures commission merchant or as floor broker hereunder, should not be suspended or revoked. Said hearing may be held in Washington, District of Columbia, or elsewhere, before the Secretary of Agriculture or before a referee designated by the Secretary of Agriculture, which referee shall cause all evidence to be reduced to writing and forthwith transmit the same to the Secretary of Agriculture. That for the purpose of securing effective enforcement of the provisions of this Act the provisions, including penalties, of the Interstate Commerce Act, as amended and supplemented (U. S. C., 1934 ed., title 49, secs. 12, 46, 47, and 48), relating to the attendance and testimony of witnesses, the production of documentary evidence, and the immunity of witnesses, are made applicable to the power, jurisdiction, and authority of the Secretary of Agriculture, the said commission, and said referee in proceedings under this Act, and to persons subject to its provisions. Upon evidence received, the Secretary of Agriculture may require all contract markets to refuse such person all trading privileges thereon for such period as may be specified in the order, and, if such person is registered as futures commission merchant or as floor broker hereunder, may suspend, for a period not to exceed six months, or revoke, the registration of such person. Notice of such order shall be sent forthwith by registered mail or delivered to the offending person and to the governing boards of said contract markets. After the issuance of the order by the Secretary of Agriculture, as aforesaid, the person against whom it is issued may obtain a review of such order or such other equitable relief as to the court may seem just by filing in the United States circuit court of appeals of the circuit in which the petitioner is doing business a written petition praying that the order of the Secretary of Agriculture be set aside. A copy of such petition shall be forthwith served upon the Secretary of Agriculture by delivering such copy to him, and thereupon the Secretary of Agriculture shall forthwith certify and file in the court a transcript of the record theretofore made, including evidence received. Upon the filing of the transcript the court shall have jurisdiction to affirm, to set aside, or modify the order of the Secretary of Agriculture, and the findings of the Secretary of Agriculture as to the facts, if supported by the weight of evidence, shall in like manner be conclusive. In proceedings under paragraphs (a) and (b) the judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 240 of the Judicial Code, as amended. (Sept. 21, 1922, sec. 6, 42 Stat. 1001; as amended June 15, 1936, by secs. 8 (a) to (k), 49 Stat. 1498,

1499; 7 U. S. C., secs. 8, 9, 10.)

Cooperative associations and corporations, exclusion from board of trade; rules of board inapplicable to payment of compensation by association. (1) No board of trade which has been designated as a "contract market" shall exclude from membership in, and all privileges on, such board of trade, any association or corporation engaged in cash commodity business having adequate financial responsibility which is organized under the cooperative laws of any State, or which has been recognized as a cooperative association of producers by the United States Government or by any agency thereof, if such association or corporation complies and agrees to comply with such terms and conditions as are or may be imposed lawfully upon other members of such board, and as are or may be imposed lawfully upon a cooperative association of producers engaged in cash commodity business, unless such board of trade is authorized by the commission to exclude such association or corporation from membership and privileges after hearing held upon at least three days' notice subsequent to the filing of complaint by the board of trade: Provided, however, That if any such association or corporation shall fail to meet its obligations with any established clearing house or clearing agency of any contract market, such association or corporation shall be ipso facto debarred from further trading on such contract market, except such trading as may be necessary to close open trades and to discharge existing contracts in accordance with the rules of such contract market applicable in such cases. Such commission may prescribe that such association or corporation shall have and retain membership and privileges, with or without imposing conditions, or it may permit such board of trade immediately to bar such association or corporation from membership and privileges. Any order of said commission entered hereunder shall be reviewable by the circuit court of appeals for the circuit in which such association or corporation, or such board of trade, has its principal place of business, on written petition either of such association or corporation, or of such board of trade, under the procedure provided in paragraph (a) of section 6 of this Act, but such order shall not be stayed by the court pending review.

(2) No rule of any board of trade designated as a contract market shall forbid or be construed to forbid the payment of compensation on a commodity-unit basis, or otherwise, by any federated cooperative association to its regional member-associations for services rendered or to be rendered in connection with any organization work, educational activity, or procurement of patronage, provided no part of any such compensation is returned to patrons (whether members

or nonmembers) of such cooperative association, or of its regional or local member-associations, otherwise than as a dividend on capital stock or as a patronage dividend out of the net earnings or surplus of such federated cooperative association. (Sept. 21, 1922, sec. 6a, as added June 15, 1936, sec. 9, 49 Stat. 1499, 1500, 7 U. S. C., sec. 10a.)

Violations, orders to desist; penalty for refusal to obey order. If any board of trade, or any director, officer, agent, or employee of any board of trade is violating or has violated any of the provisions of this Act or any of the rules or regulations of the Secretary of Agriculture thereunder, or any order issued by the commission pursuant to any provision of this Act, the commission, in lieu of revoking the designation of such board of trade as a "contract market" may, upon notice and hearing and subject to appeal as in other cases provided for in paragraph (a) of section 6 of this Act, make and enter an order directing that such board of trade, director, officer, agent, or employee shall cease and desist from such violation or violations, and if such board of trade, director, officer, agent, or employee, thereafter and after the lapse of the period allowed for appeal of such order or after the affirmance of such order, shall fail or refuse to obey or comply with such order, such board of trade, director, officer, agent, or employee shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$10,000 or imprisoned for not less than six months nor more than one year, or both. Each day during which such failure or refusal to obey such order continues shall be deemed a separate offense. (Sec. 6b, added June 15, 1936, sec. 9, 49 Stat. 1500; 7 U. S. C.,

sec. 13a.)

314. Investigations and reports by Secretary, generally.—For the efficient execution of the provisions of this Act, and in order to provide information for the use of Congress, the Secretary of Agriculture may make such investigations as he may deem necessary to ascertain the facts regarding the operations of boards of trade, whether prior or subsequent to the enactment of this Act, and may publish from time to time, in his discretion, the result of such investigation and such statistical information gathered therefrom as he may deem of interest to the public, except data and information which would separately disclose the business transactions of any person and trade secrets or names of customers: *Provided*, That nothing in this section shall be construed to prohibit the Secretary of Agriculture from making or issuing such reports as he may deem necessary relative to the conduct of any board of trade or of the transactions of any person found guilty of violating the provisions of this Act under the proceedings prescribed in section 6 of this Act: Provided further, That the Secretary of Agriculture in any report may include the facts as to any actual transaction. The Secretary of Agriculture, upon his own initiative or in cooperation with existing governmental agencies, shall investigate marketing conditions of commodity and commodity products and byproducts, including supply and demand for these commodities, cost to the consumer, and handling and transportation charges. He shall likewise compile and furnish to producers, consumers, and distributors, by means of regular or special reports, or by such methods as he may deem most effective, information respecting the commodity markets, together with information on supply, demand, prices, and other conditions in this and other countries that affect the markets. Sept. 21, 1922, sec. 8, 42 Stat. 1003; June 15, 1936, sec. 2, 49 Stat. 1491; 7 U. S. C., secs. 2, 12.)

Registration of commission merchants and brokers; fees; rules and regulations; publication of harmful acts. The Secretary of Agriculture is

authorized—

(1) to register futures commission merchants and floor brokers upon application in accordance with rules and regulations and in form and manner to be prescribed by the Secretary of Agriculture; and

(2) to refuse to register any person if such person has violated any of the provisions of this Act or any of the rules or regulations promulgated by the Secretary of Agriculture hereunder for which the registration of such person has been suspended (and the period of such suspension shall not have expired) or has been revoked; and

(3) to suspend or revoke the registration of any futures commission merchant who shall knowingly accept any order for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market from any person if such person has been denied trading privileges on any contract market by order of the Secretary of Agriculture under the provisions of paragraph (b)) of section 6 of this Act and the period of denial specified in such order shall not have expired; and

(4) to fix and establish from time to time fees and charges for registrations and renewals thereof and for copies of registration certificates, not to exceed \$10 each for such registration, renewal, or

copy; and

(5) to make and promulgate such rules and regulations as, in the judgment of the Secretary of Agriculture, are reasonably necessary to effectuate any of the provisions or to accomplish any of the purposes

of this Act; and

(6) to communicate to the proper committee or officer of any contract market and to publish, notwithstanding the provisions of section 8 of this Act, the full facts concerning any transaction or market operation, including the names of parties thereto, which in the judgment of the Secretary of Agriculture disrupts or tends to disrupt any market or is otherwise harmful or against the best interests of producers and consumers. (Sec. 8a, added June 15, 1936, sec. 10, 49

Stat. 1500; 7 U. S. C., sec. 12a.)

315. Violations; penalties.—Any person who shall violate the provisions of section 4, section 4a, section 4b, section 4c, section 4d, section 4h, or section 4i of this Act, or who shall manipulate or attempt to manipulate the price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any board of trade, or who shall corner or attempt to corner any such commodity, or who shall fail to evidence any contract mentioned in section 4 of this Act by a record in writing as therein required, or who shall knowingly or carelessly deliver or cause to be delivered for transmission through the mails or in interstate commerce by telegraph, telephone, wireless, or other means of communication false or misleading or knowingly inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of any commodity in

interstate commerce, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be fined not more than \$10,000 or imprisoned for not more than one year, or both, together with the costs of prosecution. (Sept. 21, 1922, sec. 9, 42 Stat. 1003; June 15, 1936, secs. 2, 11, 49 Stat. 1491, 1501; 7 U. S. C., secs. 2, 13.)

317. No punishment for violations before first day of second month

following passage of act.—[Now obsolete]

318-1. Separability provisions of Commodities Exchange Act.—If any provision of this Act which is amendatory of any section of the Grain Futures Act, or the application thereof to any person or circumstances is held invalid, the provisions of the section of the Grain Futures Act which is amended by such provision of this Act shall apply to such person or circumstances. No proceeding shall be abated by reason of any amendment to the Grain Futures Act made by this Act but shall be disposed of pursuant to this Act. (June 15, 1936, sec. 12, 49 Stat. 1501; 7 U. S. C., sec. 17a.)

318-2. Effective dates of Commodities Exchange Act.—All provisions of this Act authorizing the registration of futures commission merchants and floor brokers, the fixing of fees and charges therefor, the promulgation of rules, regulations, and orders, and the holding of hearings precedent to the promulgation of rules, regulations, and orders shall be effective immediately. All other provisions of this Act shall take effect ninety days after the enactment of this Act. (June 15, 1936, sec. 13, 49 Stat. 1501; 7 U. S. C., sec. 17a note.)

GRAIN STANDARDS ACT

335a. Establishment of grain standards by Secretary; promulgation.— That the Secretary of Agriculture is hereby authorized to investigate the handling, grading, and transportation of grain and to fix and establish as soon as may be after the enactment hereof standards of quality and condition for corn (maize), wheat, rye, oats, barley, flaxseed, soybeans, and such other grains as in his judgment the usages of the trade may warrant and permit, and the Secretary of Agriculture shall have power to alter or modify such standards whenever the necessities of the trade may require. In promulgating the standards, or any alteration or modification of such standards, the Secretary shall specify the date or dates when the same shall become effective, and shall give public notice, not less than ninety days in advance of such date or dates, by such means as he deems proper. (Aug. 11, 1916, sec. 2, 39 Stat. 482; July 18, 1940, 54 Stat. 765; 7 U. S. C., sec. 74.)

IMPORTATION OF ADULTERATED SEEDS ACT

354 to 359.—[These paragraphs were repealed by paragraph No. 630-256 post, effective on the 180th day after August 9, 1939; except that notices with respect to imported alfalfa and red clover seed promulgated by the Secretary of Agriculture under authority of these sections, which were in effect August 19, 1939, remain in full force and

effect as if promulgated under paragraphs 630–225 to 630–257, post.] (Aug. 9, 1939, title IV, sec. 419, 53 Stat. 1290; 7 U. S. C., secs. 111 to 116, and 1609.) (Cf. 7 U. S. C., secs. 1551 to 1610, inclusive.)

INSECT PESTS GENERALLY

376-1. Control of insect pests or plant diseases, including grasshoppers, Mormon crickets and chinch bugs, authorized.—That the Secretary of Agriculture, in cooperation with authorities of the States concerned, organizations, or individuals, is authorized and directed to apply such methods for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and cinch bugs as may be necessary. (Apr. 6, 1937, 50 Stat. 57, May 9,

1938, sec. 1, 52 Stat. 344; 7 U. S. C., sec. 148.)

376-2. Same; administrative expenses.—Any sums which may be appropriated for such purpose shall be available for expenditure for the employment of persons and means in the District of Columbia and elsewhere, printing, rent outside the District of Columbia, general administration and supervision, surveys, and the purchase, transportation, and application of poison bait or materials and equipment for control of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs, and for the preparation of such poison bait or materials for application, and such other expenses as may be necessary. (Apr. 6, 1937, 50 Stat. 57, May 9, 1938, sec. 2, 52 Stat. 344; 7 U. S. C., sec. 148a.)

376-3. Same; materials and equipment purchasable without regard to 3709 R. S.—Materials and equipment for the control of such insect pests and plant diseases may be procured with any sums appropriated to carry out the provisions of this joint resolution without regard to the provisions of section 3709 of the Revised Statutes, as amended, and the transportation thereof may be under such conditions and means as shall be determined by the Secretary of Agriculture to be most advantageous. (Apr. 6, 1937, 50 Stat. 57, May 9, 1938,

sec. 3, 52 Stat. 344; 7 U.S. C., sec. 148b.)

376-4. Same; cooperation of States necessary.—In the discretion of the Secretary of Agriculture, no part of any sums appropriated to carry out the purposes of this joint resolution shall be expended for the control of incipient or emergency outbreaks of insect pests or plant diseases in any State until the State concerned has provided the organization or materials and supplies necessary for cooperation with the Federal Government. (Apr. 6, 1937, 50 Stat. 57, May 9, 1938, sec. 4, 52 Stat. 344; 7 U. S. C., sec. 148c.)

376-5. Same; restrictions on appropriations.—No part of the sums hereinafter authorized to be appropriated shall be used to pay the cost or value of farm animals, farm crops, or other property injured or destroyed. (Apr. 6, 1937, 50 Stat. 57, May 9, 1938, sec. 5, 52 Stat.

344; 7 U.S.C., sec. 148d.)

376-6. Same; appropriations authorized.—There are hereby authorized to be appropriated annually such sums as may be necessary to carry out the provisions of this joint resolution. (Apr. 6, 1937, 50 Stat. 57, May 9, 1938, sec. 6, 52 Stat. 344; 7 U. S. C., sec. 148e.)

NURSERY STOCK AND OTHER PLANTS AND PLANT PRODUCTS

390a. Terminal inspection by States; forwarding by postmasters of packages for inspection and disposition thereof; violations; punishment; regulations.—That hereafter when any State shall provide for terminal inspection of plants and plant products, and shall establish and maintain, at the sole expense of the State, such inspection at one or more places therein, the proper officials of said State may submit to the Secretary of Agriculture a list of plants and plant products, and the plant pests transmitted thereby, that in the opinion of said officials should be subject to terminal inspection in order to prevent the introduction or dissemination in said State of pests injurious to agriculture. Upon his approval of said list, in whole or in part, the Secretary of Agriculture shall transmit the same to the Postmaster General, and thereafter all packages containing any plants or plant products named in said approved lists shall, upon payment of postage therefor, be forwarded by the postmaster at the destination of said package to the proper State official at the nearest place where inspection is maintained. If the plants or plant products (including seed) are found upon inspection to be free from injurious pests and not in violation of a plant-quarantine law or plant-quarantine regulation of the United States Department of Agriculture or of the State of destination pertaining to such injurious pests, or if infected shall be disinfected by said official, they shall upon payment of postage therefor be returned to the postmaster at the place of inspection to be forward of to the person to whom they are addressed; but if found to be infected with injurious pests and incapable of satisfactory disinfection or in violation of a plant-quarantine law or plant-quarantine regulation of the United States Department of Agriculture or of the State of destination pertaining to such injurious pests, the State inspector shall so notify the postmaster at the place of inspection who shall promptly notify the sender of said plants or plant products that they will be returned to him upon his request and at his expense, or in default of such request that they will be turned over to the State authorities for destruction.

On and after the passage and approval of this Act it shall be unlawful for any person, firm, or corporation to deposit in the United States mails any package containing any plant or plant product addressed to any place within a State maintaining inspection thereof, as herein defined, without plainly marking the package so that its contents may be readily ascertained by an inspection of the outside thereof. Whoever shall fail to so mark said packages shall be punished by a fine of not more than \$100. The Postmaster General is hereby authorized and directed to make all needful rules and regulations for carrying out the purposes hereof. (Mar. 4, 1915, 38 Stat.

1113; June 4, 1936, 49 Stat. 1461; 7 U. S. C., sec. 166.)

PACKERS AND STOCKYARDS

408a. Rates, charges, and practices; orders.—Whenever after full hearing upon a complaint made as provided in section 309, or after full hearing under an order for investigation and hearing made by

⁸ So in original.

the Secretary on his own initiative, either in extension of any pending complaint or without any complaint whatever, the Secretary is of the opinion that any rate, charge, regulation, or practice of a stockyard owner or market agency, for or in connection with the furnishing of stockyard services, is or will be unjust, unreasonable, or discriminatory, the Secretary-

(a) May determine and prescribe what will be the just and reasonable rate or charge, or rates or charges, to be thereafter in such case observed as both the maximum and minimum to be charged, and what regulation or practice is or will be just, reasonable, and nondiscrimi-

natory to be thereafter followed; and

(b) May make an order that such owner or operator (1) shall cease and desist from such violation to the extent to which the Secretary finds that it does or will exist; (2) shall not thereafter publish, demand, or collect any rate or charge for the furnishing of stockyard services more or less than the rate or charge so prescribed; and (3) shall conform to and observe the regulation or practice so prescribed. (Aug. 15, 1921, sec. 310; 42 Stat. 166; Aug. 10, 1939, 53 Stat. 1351; 7 U. S. C., sec. 211.)

AGRICULTURAL AND MECHANICAL COLLEGES

477a. To extend benefits of section 21 of the Bankhead-Jones Act to Puerto Rico.—That the provisions of section 21 of the Act entitled "An Act to provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges", approved June 29, 1935, and known as the Bankhead-Jones Act, be, and the same are hereby, extended to Puerto Rico in such amounts as are hereinafter authorized without diminution of the amounts authorized for payment to the States and the Territory of Hawaii, as provided in section 21 of that

Act. (Aug. 28, 1937, sec. 1, 50 Stat. 881; 7 U. S. C., sec. 343f.)

477b. Same; appropriation.—To carry into effect the above provisions for extending to Puerto Rico, to the extent herein provided, the benefits of the said Bankhead-Jones Act, the following sums are hereby authorized to be appropriated: For the fiscal year beginning after the date of the enactment of this Act, \$88,000; for the fiscal year following the first fiscal year for which an appropriation is made in pursuance of the foregoing authorization, the additional sum of \$40,000; and for each succeeding fiscal year thereafter an additional sum of \$40,000 until the total appropriations authorized by this section shall amount to \$408,000 annually, the authorization to continue in that amount for each succeeding fiscal year. (Aug. 28, 1937, sec. 2, 50 Stat. 881: 7 U. S. C., sec. 343g.)

482-1. Extension work; additional appropriation.—That in order to further develop the cooperative extension system as inaugurated under the Act entitled "An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of the Act of Congress approved July 2, 1862, and all Acts supplementary thereto, and the United States Department of Agriculture", approved May 8, 1914 (U.S.C., title 7, secs. 341-348), there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the expenses of cooperative extension work in agriculture and home economics and the necessary printing and distribution of information in connection with the same, the sum of \$300,000 annually. The sums appropriated pursuant to this Act shall be allotted by the Secretary of Agriculture to the several States in such amounts as he may deem necessary, and shall be paid to the several States in the same manner and subject to the same conditions and limitations as the initial payments of \$10,000 to each State appropriated under the Act of May 8, 1914. The sums appropriated pursuant to this Act shall be in addition to and not in substitution for sums appropriated under such Act of May 8, 1914, as amended and supplemented, and sums otherwise appropriated for agricultural extension work. (Apr. 24, 1939, 53 Stat.

589; 7 U. S. C., sec. 343c-1.)

482-2. Extension to Alaska of Adams, Purnell, and Capper-Ketcham Acts.—That the following Acts, to wit, an Act entitled "An Act to provide for an increased annual appropriation for agriculture* experiment stations and regulating the expenditure thereof," approved March 16, 1906, and known as the Adams Act; an Act entitled "An Act to authorize the more complete endowment of agricultural experiment stations, and for other purposes", approved February 24, 1925, and known as the Purnell Act; and an Act entitled "An Act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefit of the Act entitled 'An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts', approved July 2, 1862, and all Acts supplementary thereto, and the United States Department of Agriculture", approved May 22, 1928, and known as the Capper-Ketcham Act, be, and the same are hereby, extended to the Territory of Alaska.

(June 20, 1936, sec. 1, 49 Stat. 1553; 7 U. S. C., sec. 343e.)

482-3. Same: appropriation authorized under Capper-Ketcham Act. To carry into effect the above provisions for extending to the Territory of Alaska, to the extent herein provided, the benefits of the said Capper-Ketcham Act the following sums are hereby authorized to be appropriated: For the fiscal year ending June 30, 1937, \$2,500; for the fiscal year ending June 30, 1938, \$5,000; for the fiscal year ending June 30, 1939, \$7,500; for the fiscal year ending June 30, 1940, and annually thereafter, \$10,000: Provided, That no appropriations shall be made under this Act until annually estimated as to funds and amounts by the Secretary of Agriculture, the estimates to be based upon his determination of the ability of the Territory of Alaska to make effective use of the funds: And provided further, That whereas the said Capper-Ketcham Act provides that "at least 80 per centum of all appropriations under this Act shall be utilized for the payment of salaries of extension agents in counties of the several States to further develop the cooperative extension system in agriculture and home economics with men, women, boys, and girls", the several established judicial divisions of the Territory of Alaska, as the same shall exist from time to time, shall be considered as counties for the purpose of complying with the provisions of this Act until a subdivision of the Territory of Alaska into counties is effected. (June 20, 1936, sec. 3, 49 Stat. 1554; 7 U. S. C., sec. 343e.)

^{*}So in original.

AGRICULTURAL EXPERIMENT STATIONS

509-1. Extension of benefits of Adams and Purnell Acts to Alaska Experimental Stations.—To carry into effect the above provisions for extending to the Territory of Alaska to the extent herein provided, the benefits of the said Adams Act and the said Purnell Act the following sums are hereby authorized to be appropriated: For the fiscal year ending June 30, 1937, \$5,000; for the fiscal year ending June 30, 1938, \$7,500; for the fiscal year ending June 30, 1939, \$10,000; for the fiscal year ending June 30, 1940, \$12,500; for the fiscal year ending June 30, 1941, \$15,000; for the fiscal year ending June 30, 1942, \$17,500; for the fiscal year ending June 30, 1943, \$20,000; for the fiscal year ending June 30, 1944, \$22,500; for the fiscal year ending June 30, 1945, \$27,500; for the fiscal year ending June 30, 1946, \$32,500; for the fiscal year ending June 30, 1947, \$37,500; and thereafter a sum equal to one-half of that provided for each State and Territory under the said Adams Act and the said Purnell Act: Provided, That no appropriations shall be made under this Act until annually estimated as to funds and amounts by the Secretary of Agriculture, the estimates to be based upon his determination of the ability of the Territory of Alaska to make effective use of the funds in maintaining agricultural experiment stations. (June 20, 1936, sec. 2, 49 Stat. 1554; 7 U. S. C., sec.

369a.)

509-2. To aid the States and Territories in making provisions for the retirement of employees of the land-grant colleges .- That, pursuant to the recognized obligations of governments to guarantee the social security of their employees and in order to provide for the retirement on an annuity, or otherwise, of all persons being paid salaries in whole or in part from grants of Federal funds to the several States and Territories pursuant to the terms of the Act approved July 2, 1862, for the endowment and support of colleges of agriculture and mechanic arts, and Acts supplementary thereto providing for instruction in agriculture and mechanic arts, for the establishment of agricultural experiment stations, and for cooperative extension work in agriculture and home economics, all States and Territories are hereafter authorized, notwithstanding any contrary provisions in said Act, to withhold from expenditure, from Federal funds advanced under the terms of said Acts, amounts designated as employer contributions to be made by the States or Territories to retirement systems established in accordance with the laws of such States or Territories, or established by the governing boards of colleges of agriculture and mechanic arts in accordance with the authority vested in them, and to deposit such amounts to the credit of such retirement systems for subsequent disbursement in accordance with the terms of the retirement systems in effect in the respective States and Territories: Provided, That there shall not be deducted from Federal funds and deposited to the credit of retirement accounts as employer contributions, amounts in excess of 5 per centum of that portion of the salaries of employees paid from such Federal funds: Provided further, That, for the purpose of making deposits and contributions in retirement systems in favor of any employee, in no event shall the deductions from any Federal fund advanced pursuant to the foregoing Acts be in greater proportion to the total deductions for such employee than the salary received under such Federal funds bears to the total salary from Federal sources: Provided further, That the deposits and contributions from funds of Federal origin to any retirement system established by a State or a land-grant college must be at least equaled by the total contributions thereto on the part of the individuals concerned, the State, and the counties: And provided further, That no deductions for the foregoing purposes shall be made from Federal funds in support of employees appointed pursuant to the terms of the foregoing Acts, whose salaries are paid wholly by the States or Territories: Provided further, That the provisions of this Act shall not apply to any employee paid in whole or in part from Federal funds who may be subject to the United States Civil Service Retirement Act, as amended. (July 2, 1862, 12 Stat. 503; March 4, 1940, 54 Stat. 39; 7 U. S. C., sec. 301.)

MISCELLANEOUS MATTERS

542. Predatory and other wild animals; eradication and control; investigations, experiments, and tests by Secretary of Agriculture; cooperation with other agencies.—[The functions of the Secretary of Agriculture relating to conservation of wildlife, game, and migratory birds were transferred to the Secretary of the Interior by Reorganization Plan No. II, sec. 4 (f), effective July 1, 1939.] (Mar. 2, 1931, sec. 1, 46 Stat. 1468; 7 U. S. C., sec. 426, 426a, 426b.)

549-1. All Government motor vehicles subject to annual inspection in District of Columbia.—All motor vehicles owned and officially used by the Government of the United States or by the government of the District of Columbia or by the representatives of foreign governments, shall be subject to annual inspection, such inspections to be furnished

without charge. (Feb. 18, 1938, sec. 4, 52 Stat. 78.)

549–2. District of Columbia Commissioners may refuse to register uninspected motor vehicles.—The Commissioners of the District of Columbia or their designated agent may refuse to register any motor vehicle or trailer which has not been inspected as required, or which is unsafe or improperly equipped, or otherwise unfit to be operated, and for like reason they may revoke or suspend any registration already made: *Provided*, That the provisions of section 13 (a) of the Traffic Acts, District of Columbia, shall be applicable in all cases where registration is refused, revoked, or suspended under the terms of this Act. (Feb. 18, 1938, sec. 5, 52 Stat. 78.)

549-3. Penalty for using unregistered vehicle.—Any individual, partnership, firm, or corporation found guilty of using or permitting the use of any unregistered motor vehicle or trailer, or who is found guilty of using or permitting the use of the same during the period for which any such vehicle's registration is revoked or suspended under the terms of this Act shall, for each such offense, be fined not more than \$300.

(Feb. 18, 1938, sec. 6, 52 Stat. 78.)

549-4. District of Columbia Commissioners empowered to issue rules and regulations.—The Commissioners of the District of Columbia shall make such regulations as in their judgment are necessary for the administration of this Act, and may affix thereto such reasonable fines and penalties as in their judgment are necessary to enforce such regulations. (Feb. 18, 1938, sec. 7, 52 Stat. 78.)

That the control and jurisdiction of the lands, buildings, and improvements constituting the Arlington Farm, as created by the Act of Congress, approved April 18, 1900 (31 Stat. 135), are hereby transferred from the Secretary of Agriculture to the Secretary of War, to take effect progressively as each area of said farm is turned over by the Secretary of Agriculture to the Secretary of War: Provided, That the authority to remove such buildings, improvements, trees, and plants as shall be deemed necessary in order to promote the work of the Department of Agriculture shall remain in the Secretary of Agriculture until the transfer of the area involved is effected. (Nov. 29, 1940, sec. 1, 54 Stat. 1219.)

561-2. Same; Secretary of Agriculture authorized to secure new land and equipment.—There is hereby authorized to be appropriated a sum not to exceed \$3,200,000 to be expended by the Secretary of Agriculture for the acquisition by purchase, condemnation, or donation, of lands to provide a suitable site for the development and reestablishment thereon of the functions and activities of the Arlington Farm, and the construction and installation of such buildings, equipment, and utilities and appurtenances thereto, including the employment of persons and means in the city of Washington and elsewhere, as in the judgment of the Secretary of Agriculture may be necessary. (Nov. 29, 1940;

sec. 2, 54 Stat. 1219.)

COOPERATIVE MARKETING ACT

561-3. Division of cooperative marketing; definitions.—That when used in this Act the term "agricultural products" means agricultural, horticultural, viticultural, and dairy products, livestock and the products thereof, the products of poultry and bee raising, the edible products of forestry, and any and all products raised or produced on farms and processed or manufactured products thereof, transported or intended to be transported in interstate and/or foreign commerce. (July

2, 1926, sec. 1, 44 Stat. 802; 7 U. S. C., sec. 451.)

561-4. Establishment of division.—The Secretary of Agriculture [Governor of the Farm Credit Administration]* is hereby authorized and directed to establish a division of cooperative marketing with suitable personnel in the Bureau of Agricultural Economics of the Department of Agriculture or in such bureau in the Department of Agriculture as may hereafter be concerned with the marketing and distribution of farm products [now in the Farm Credit Administration]*. Such division shall be under the direction and supervision of the Secretary of Agriculture [Governor of the Farm Credit Administration]*. (July 2, 1926, sec. 2, 44 Stat. 802; 7 U. S. C., sec. 452.)

561-5. Authority and duties of division.—(a) The division shall render service to associations of producers of agricultural products, and federations and subsidiaries thereof, engaged in the cooperative marketing of agricultural products, including processing, warehousing, manufacturing, storage, the cooperative purchasing of farm supplies,

credit, financing, insurance, and other cooperative activities.

^{*}See Ex. Or. 5200, p. 254, and Ex. Or. 6084, p. 254, this volume.

(b) The division is authorized—

(1) To acquire, analyze, and disseminate economic, statistical, and historical information regarding the progress, organization, and business methods of cooperative associations in the United States and foreign countries.

(2) To conduct studies of the economic, legal, financial, social, and other phases of cooperation, and publish the results thereof. Such studies shall include the analyses of the organization, operation, finan-

cial, and merchandising problems of cooperative associations.

(3) To make surveys and analyses if deemed advisable of the accounts and business practices of representative cooperative associations upon their request; to report to the association so surveyed the results thereof; and with the consent of the association so surveyed to publish summaries of the results of such surveys, together with similar facts, for the guidance of cooperative associations and for the purpose of assisting cooperative associations in developing methods of business and market analysis.

(4) To confer and advise with committees or groups of producers, if deemed advisable, that may be desirous of forming a cooperative association and to make an economic survey and analysis of the facts surrounding the production and marketing of the agricultural product or products which the association, if formed, would handle or market.

(5) To acquire from all available sources information concerning crop prospects, supply, demand, current receipts, exports, imports, and prices of the agricultural products handled or marketed by cooperative associations, and to employ qualified commodity marketing specialists to summarize and analyze this information and disseminate the same among cooperative associations and others.

(6) To promote the knowledge of cooperative principles and practices and to cooperate, in promoting such knowledge, with educational and marketing agencies, cooperative associations, and others.

(7) To make such special studies, in the United States and foreign countries, and to acquire and disseminate such information and findings as may be useful in the development and practice of cooperation. (July 2, 1926, sec. 3, 44 Stat. 802; 7 U. S. C., sec. 453.)

561-6. Advisers to counsel with Governor of the Farm Credit Administration; expenses and subsistence.—The Secretary of Agriculture [Governor of the Farm Credit Administration]* is authorized, in his discretion, to call advisers to counsel with him and/or his representatives relative to specific problems of cooperative marketing of farm products or any other cooperative activity. Any person, other than an officer, agent, or employee of the United States, called into conference, as provided for in this section, may be paid actual transportation expenses and not to exceed \$10 per diem to cover subsistence and other expenses while in conference and en route from and to his home. (July 2, 1926, sec. 4, 44 Stat. 803; 7 U. S. C., sec. 454.)

561-7. Dissemination of crop, market, etc., information by cooperative marketing associations.—Persons engaged, as original producers of agricultural products, such as farmers, planters, ranchmen, dairymen, nut or fruit growers, acting together in associations, corporate or otherwise, in collectively processing, preparing for market, handling, and marketing in interstate and/or foreign commerce such

^{*}See Ex. Or. 5200, p. 254, and Ex. Or. 6084, p. 254, this volume.

products of persons so engaged, may acquire, exchange, interpret, and disseminate past, present, and prospective crop, market, statistical, economic, and other similar information by direct exchange between such persons, and/or such associations or federations thereof, and/or by and through a common agent created or selected by them. (July 2, 1926, sec. 5, 44 Stat. 803; 7 U. S. C., sec. 455.)

561-8. Rules and regulations; appointment, removal, and compensation of employees; expenditures; appropriations.—The Secretary of Agriculture [Governor of the Farm Credit Administration]* may make such rules and regulations as may be deemed advisable to carry out the provisions of this Act and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and may call upon any other Federal department, board, or commission for assistance in carrying out the purposes of this Act; and shall have the power to appoint, remove, and fix the compensation of such officers and employees not in conflict with existing law and make such expenditure for rent, outside the District of Columbia, printing, telegrams, telephones, books of reference, books of law, periodicals, newspapers, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this Act in the District of Columbia and elsewhere, and there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$225,000 to be available for expenditure during the fiscal years 1926 and 1927, and the appropriation of such additional sums as may be necessary thereafter for carrying out the purposes of this Act is hereby authorized. (July 2, 1926, sec. 6, 44 Stat. 803; 7 U. S. C., sec. 456.)

561-9. Partial invalidity of Act.—That if any provision of this Act is declared unconstitutional or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and the applicability of such provision to other persons and circumstances shall not be affected thereby, and nothing contained in this Act is intended, nor shall be construed, to modify or repeal any of the provisions of the Act of February 18, 1922 (chapter 57, Forty-second Statutes at Large, page 388). (July 2, 1926,

sec. 7, 44 Stat. 803; 7 U.S. C., sec. 457.)

COTTON STATISTICS AND ESTIMATES

564a. Secretary of Agriculture authorized to make available to producers classification of cotton produced by them.—The Secretary of Agriculture, upon request in writing from any group of producers organized to promote the improvement of cotton who comply with such regulations as he may prescribe, is authorized and directed to determine and to make promptly available to such producers, the classification, in accordance with the official cotton standards of the United States, of any cotton produced by them. The Secretary of Agriculture is further authorized to pay the transportation charges and to furnish tags and containers for the samples of cotton submitted for classification under this section, and all samples of cotton so classified shall

^{*}See Ex. Or. 5200, p. 254, and Ex. Or. 6084, p. 254, this volume.

become the property of the Government, and the proceeds of any sales thereof after classification shall be covered into the Treasury of the United States as miscellaneous receipts. (Sec. 3a, as added Apr.

13, 1937, 50 Stat. 62; 7 U. S. C., sec. 473a.)

564b. Secretary of Agriculture authorized to furnish information on market supply, etc., of cotton.—The Secretary of Agriculture is also authorized and directed to collect, authenticate, publish, and distribute, by telegraph radio, mail, or otherwise, timely information on the market supply, demand, location, condition, and market prices for cotton, and to cause to be prepared regularly and distributed for posting at gins, in post offices, or in other public or conspicuous places in cotton-growing communities, information on prices for the various grades and staple lengths of cotton. (Sec. 3b, as added Apr. 13, 1937, 50 Stat. 62; 7 U. S. C., sec. 473b.)

564c. Rules and regulations.—The Secretary of Agriculture is further authorized to make such rules and regulations as he may deem necessary to effectuate the purposes of this Act. (Sec. 3c, as added

Apr. 13, 1937, 50 Sept. 62; 7 U. S. C., sec. 473c.)

PERISHABLE AGRICULTURAL COMMODITIES ACT

573. Definitions.—That when used in this Act—

(1) The term "person" includes individuals, partnerships, corporations, and associations;

(2) The term "Secretary" means the Secretary of Agriculture;

(3) The term "interstate or foreign commerce" means commerce between any State or Territory, or the District of Columbia and any place outside thereof; or between points within the same State or Territory, or the District of Columbia but through any place outside thereof; or within the District of Columbia;

(4) The term "perishable agricultural commodity"—

(A) Means any of the following, whether or not frozen or packed in ice: Fresh fruits and fresh vegetables of every kind and character; and

(B) Includes cherries in brine as defined by the Secretary in

accordance with trade usages;

(5) The term "commission merchant" means any person engaged in the business of receiving in interstate or foreign commerce any perishable agricultural commodity for sale, on commission, or for or on

behalf of another;

(6) The term "dealer" means any person engaged in the business of buying or selling in carloads any perishable agricultural commodity in interstate or foreign commerce, except that (A) no producer shall be considered as a "dealer" in respect of sales of any such commodity of his own raising; (B) no person buying any such commodity solely for sale at retail shall be considered as a "dealer" in respect of any such commodity in any calendar year until his purchases of such commodity in carloads in such year are in excess of twenty; and (C) no person buying any such commodity for canning and/or processing within the State where grown shall be considered a "dealer" whether or not the canned or processed product is to be shipped in interstate or foreign commerce, unless such product is frozen or packed in ice, or consists of cherries in brine, within the

meaning of paragraph 4 of this section. Any person not considered as a "dealer" under clauses (A), (B), and (C) may elect to secure a license under the provisions of section 3, and in such case and while the license is in effect such person shall be considered as a "dealer." As used in this paragraph, the term "in carloads" includes wholesale or jobbing quantities as defined for any such commodity by the Secretary;

(7) The term "broker" means any person engaged in the business of negotiating sales and purchases of any perishable agricultural commodity in interstate or foreign commerce for or on behalf of the

vendor or the purchaser, respectively;

(8) A transaction in respect of any perishable agricultural commodity shall be considered in interstate or foreign commerce if such commodity is part of that current of commerce usual in the trade in that commodity whereby such commodity and/or the products of such commodity are sent from one State with the expectation that they will end their transit, after purchase, in another, including, in addition to cases within the above general description, all cases where sale is either for shipment to another State, or for processing within the State and the shipment outside the State of the products resulting from such processing. Commodities normally in such current of commerce shall not be considered out of such commerce through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this Act. (June 10, 1930, sec. 1, 46 Stat. 531; April 13, 1934, sec. 1, 48 Stat. 584; Aug. 20, 1937, sec. 1, 50 Stat. 725; June 29, 1940, secs. 1, 2, 54 Stat 696; 7 U. S. C., sec. 499a.)

574. Unfair Conduct; what constitutes.—It shall be unlawful in or in connection with any transaction in interstate or foreign commerce—

(1) For any commission merchant, dealer, or broker to engage in or use any unfair, unreasonable, discriminatory, or deceptive practice in connection with the weighing, counting, or in any way determining the quantity of any perishable agricultural commodity received, bought, sold, shipped, or handled in interstate or foreign commerce;

(2) For any dealer to reject or fail to deliver in accordance with the terms of the contract without reasonable cause any perishable agricultural commodity bought or sold or contracted to be bought, sold, or consigned in interstate or foreign commerce by such dealer;

(3) For any commission merchant to discard, dump, or destroy without reasonable cause any perishable agricultural commodity received by such commission merchant in interstate or foreign

commerce;

(4) For any commission merchant, dealer, or broker to make, for a fraudulent purpose, any false or misleading statement in connection with any transaction involving any perishable agricultural commodity which is received in interstate or foreign commerce by such commission merchant, or bought or sold, or contracted to be bought, sold, or consigned, in such commerce by such dealer, or the purchase or sale of which in such commerce is negotiated by such broker; or to fail or refuse truly and correctly to account promptly in respect of any transaction in any such commodity to the person with whom such transaction is had;

(5) For any commission merchant, dealer, or broker, for a fraudulent purpose, to misrepresent by word, act, mark, stencil, label, state-

ment, or deed the character, kind, grade, quality, quantity, size, pack, weight, condition, degree of maturity, or State or country of origin of any perishable agricultural commodity received, shipped, sold, or

offered to be sold in interstate or foreign commerce.

(6) For any commission merchant, dealer, or broker, for a fraudulent purpose, to remove, alter, or tamper with any card, stencil, stamp, tag, or other notice placed upon any container or railroad car containing any perishable agricultural commodity, if such card, stencil, stamp, tag, or other notice contains a certificate or statement under authority of any Federal or State inspector or in compliance with any Federal or State law or regulation as to the grade or quality of the commodity contained in such container or railroad car or the State or country in which such commodity was produced.

(7) For any commission merchant, dealer, or broker, without the consent of an inspector, to make, cause, or permit to be made any change by way of substitution or otherwise in the contents of a load or lot of any perishable agricultural commodity after it has been officially inspected for grading and certification, but this shall not prohibit re-sorting and discarding inferior produce. (June 10, 1930, sec. 2, 46 Stat. 532; April 13, 1934, secs. 2, 3, 48 Stat. 585; June 19, 1936, sec. 1, 49 Stat. 1533; Aug. 20, 1937, secs. 2, 3, 4, 50 Stat. 725, 726;

June 29, 1940, secs. 3, 4, 54 Stat. 696; 7 U.S. C., sec. 499b.)

575. Licenses; by whom required; penalty for failure to obtain.—(a) After the expiration of six months after the approval of this Act no person shall at any time carry on the business of a commission merchant, dealer, or broker without a license valid and effective at such time. Any person who violates any provision of this subdivision shall be liable to a penalty of not more than \$500 for each such offense and not more than \$25 for each day it continues, which shall accrue to the United States and may be recovered in a civil suit brought by the United States. Any person violating this provision may, upon a showing satisfactory to the Secretary of Agriculture, or his authorized representative, that such violation was not willful but was due to inadvertence, be permitted by the Secretary, or such representative, to settle his liability in the matter by the payment of the fees due for the period covered by such violation and an additional sum, not in excess of \$25, to be fixed by the Secretary of Agriculture or his authorized representative. Such payment shall be deposited in the Treasury of the United States in the same manner as regular license fees.

Application; to whom made; fee. (b) Any person desiring any such license shall make application to the Secretary. The Secretary may by regulation prescribe the information to be contained in such application. Upon the filing of the application, and annually thereafter, the applicant shall pay a fee of \$10. (June 10, 1930, sec. 3, 46 Stat. 533; Aug. 20, 1937, sec. 5, 50 Stat. 726; 7 U. S. C., sec. 499c.)

576. Issuance of license; authority exercised thereunder; termination.—
(a) Whenever an applicant has paid the prescribed fee the Secretary, except as provided elsewhere in this Act, shall issue to such applicant a license, which shall entitle the licensee to do business as a commission merchant and/or dealer and/or broker unless and until it is suspended or revoked by the Secretary in accordance with the pro-

visions of this Act, or is automatically suspended under section 7 (d) of this Act, but said license shall automatically terminate on any anniversary date thereof unless the annual fee has been paid: Provided, That notice of the necessity of paying the annual fee shall be mailed at least thirty days before the anniversary date: Provided further, That if the annual fee is not paid by the anniversary date the licensee may obtain a renewal of that license at any time within thirty days by paying a fee of \$15;

Refusal of license; grounds; effect of giving bond. (b) The Secretary shall refuse to issue a license to an applicant (1) if he finds that the applicant has previously been responsible in whole or in part for any violation of the provisions of the Act for which a license of the applicant, or the license of any partnership, association, or corporation in which the applicant held any office or, in the case of a partnership, had any share or interest, was revoked under the provisions of section 8; or (2) if at any time within two years he has found after notice and hearing that said applicant was responsible in whole or in part for any flagrant or repeated violation of the provisions of section 2; or (3) if he finds, in case the applicant is a partnership, association, or corporation, that any individual holding office or, in the case of a partnership, having any interest or share in the applicant, has previously been responsible in whole or in part for any violation of the provisions of the Act for which the license of such individual, or of any partnership, association, or corporation in which such person held any office, or, in the case of a partnership, had any share or interest, was revoked under the provisions of section 8; or (4) if at any time within two years he has found after notice and hearing, in case the applicant is a partnership, association, or corporation, that any individual holding any office or, in the case of a partnership, having any interest or share in the applicant was responsible in whole or in part for any flagrant or repeated violation of the provisions of section 2; or (5) if he finds that the applicant, subject to his right of appeal under section 7 (c), has failed, except in case of bankruptcy, to pay within the time limit provided therein any reparation order which has been issued, within two years, against him as an individual, or against a partnership of which he was a member, or an association or corporation in which he held any office, or, in case the applicant is a partnership, association, or corporation, that any individual holding any office or, in the case of a partnership, having any interest or share in the applicant, subject to his right of appeal under section 7 (c), has failed, except in the case of bankruptcy, to pay within the time limit provided therein any reparation order which has been issued, within two years, against him as an individual or against a partnership of which he was a member, or an association or corporation in which he held any office. Notwithstanding all of the foregoing provisions of this paragraph, the Secretary, in the case of such applicant, may issue a license if the applicant furnishes a bond or other satisfactory assurance that his business will be conducted in accordance with the provisions of the Act and that he will pay all reparation orders which may previously have been issued against him for violations, or which may be issued against him within two years following the date of the license, subject to his right of appeal under section 7 (c), but such license shall not be issued before the expiration of one year from the date of revocation of license or from the date of the Secretary's finding that the applicant has been responsible, in whole or in part, for any flagrant or repeated violation of section 2. Such bond shall be in an amount sufficient in the judgment of the Secretary of Agriculture to insure payment of such reparation orders;

Refusal, if applicant found guilty of violating Produce Agency Act. (c) The Secretary shall refuse to issue a license to an applicant if he finds after notice and hearing that at any time within two years said applicant has been found guilty in a Federal court of having violated the provisions of the Act known as the Produce Agency Act (7 U. S. C., secs. 491-497), or of having violated section 14 (b) of this Act, or, in case the applicant is a partnership, that any member of the partnership was found guilty within two years of having violated the Produce Agency Act, or section 14 (b) of this Act, or, if the applicant is an association or corporation, that any officer or any person holding a responsible position therein has been found within two years to have been guilty of violating the Produce Agency Act or section 14 (b) of this Act;

Withholding for investigation. (d) The Secretary may withhold the issuance of a license to an applicant, for a period not to exceed thirty days pending an investigation, for the purpose of determining (a) whether the applicant is unfit to engage in the business of a commission merchant, dealer, or broker by reason of having prior to the date of the application engaged in any practice of the character prohibited by this Act, or (b) whether the application contains any materially false or misleading statement or involves any misrepresentation, concealment, or withholding of facts respecting any violation of the Act by any officer, agent, or employee of the applicant. If after investigation the Secretary believes that the applicant should be refused a license, the applicant shall be given an opportunity for hearing within sixty days from the date of the application to show cause why the license should not be refused. If after the hearing the Secretary finds that the applicant is unfit to engage in the business of a commission merchant, dealer, or broker by reason of having prior to the date of the application engaged in any practice of the character prohibited by this Act, or because the application contains a materially false or misleading statement made by the applicant or by its representative on its behalf, or involves a misrepresentation, concealment, or withholding of facts respecting any violation of the Act by any officer, agent, or employee, the Secretary shall refuse to issue a license to the applicant. (June 10, 1930, sec. 4, 46 Stat. 533; April 13, 1934, secs. 4, 5, 6, 7, 48 Stat. 585, 586; June 19, 1936, sec. 2, 49 Stat. 1533; Aug. 20, 1937, sec. 6, 50 Stat. 726; 7 U. S. C., sec. 499d.)

577. Liability to person damaged; amount of damages.—(a) If any commission merchant, dealer, or broker violates any provision of section 2 he shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of such violation.

(b) Such liability may be enforced either (1) by complaint to the Secretary as hereinafter provided, or (2) by suit in any court of competent jurisdiction; but this section shall not in any way abridge or alter the remedies now existing at common law or by statute, and the provisions of this Act are in addition to such remedies. (June 10, 1930, sec. 5, 46 Stat. 534; Aug. 20, 1937, sec. 7, 50 Stat. 728; 7 U. S. C., sec. 499e.)

578. Complaint and investigation; petition to Secretary of Agriculture; time of making; contents; services; answer.—(a) Any person complaining of any violation of any provision of section 2 by any commission merchant, dealer, or broker may, at any time within nine months after the cause of action accrues, apply to the Secretary by petition, which shall briefly state the facts, whereupon, if, in the opinion of the Secretary, the facts therein contained warrant such action, a copy of the complaint thus made shall be forwarded by the Secretary to the commission merchant, dealer, or broker, who shall be called upon to satisfy the complaint, or to answer it in writing, within a reasonable time to be prescribed by the Secretary.

Complaint to Secretary requesting investigation; by whom made. (b) Any officer or agency of any State or Territory having jurisdiction over commission merchants, dealers, or brokers in such State or Territory and any employee of the United States Department of Agriculture or any interested person may file, in accordance with rules and regulations of the Secretary, a complaint of any violation of any provision of this Act by any commission merchant, dealer, or broker and may request an investigation of such complaint by the Secretary.

Same; action thereon; claims not exceeding \$500. (c) If there appear to be, in the opinion of the Secretary, any reasonable grounds for investigating any complaint made under this section, the Secretary shall investigate such complaint and may, if in his opinion the facts warrant such action, have said complaint served by registered mail or otherwise on the person concerned and afford such person an opportunity for a hearing thereon before a duly authorized examiner of the Secretary in any place in which the said person is engaged in business: *Provided*, That in complaints wherein the amount claimed as damages does not exceed the sum of \$500 a hearing need not be held and proof in support of the complaint and in support of respondent's answer may be supplied in the form of depositions or verified statements of fact;

Hearing and determination. (d) After opportunity for hearing on complaints where the damages claimed exceed the sum of \$500 has been provided or waived and on complaints where damages claimed do not exceed the sum of \$500 not requiring hearing as provided herein, the Secretary shall determine whether or not the commission merchant, dealer, or broker has violated any provision of section 2:

Nonresident, bond required. (e) In case a complaint is made by a nonresident of the United States, the complainant shall be required, before any formal action is taken on his complaint, to furnish a bond in double the amount of the claim conditioned upon the payment of costs, including a reasonable attorney's fee for the respondent if the respondent shall prevail, and any reparation award that may be issued by the Secretary of Agriculture against the complainant on any counter claim by respondent: *Provided*, That the Secretary shall have authority to waive the furnishing of a bond by a complainant who is a resident of a country which permits the filing of a complaint by a resident of the United States without the furnishing of a bond. (June 10, 1930, sec. 6, 46 Stat. 534; April 13, 1934, secs. 8, 9, 10, 48 Stat. 586, 587; Aug. 20, 1937, secs. 8, 9, 50 Stat. 728; 7 U. S. C., sec. 499f.)

579. Reparation order; determination by Secretary of Agriculture of amount of damages; order for payment.—(a) If after a hearing on a complaint made by any person under section 6, or without hearing as provided in section 6, paragraphs (c) and (d), or upon failure of the party complained against to answer a complaint duly served within the time prescribed, or to appear at a hearing after being duly notified, the Secretary determines that the commission merchant, dealer, or broker has violated any provision of section 2, he shall, unless the offender has already made reparation to the person complaining, determine the amount of damage, if any, to which such person is entitled as a result of such violation and shall make an order directing the offender to pay to such person complaining such amount on or before the date fixed in the order. If, after the respondent has filed his answer to the complaint, it appears therein that the respondent has admitted liability for a portion of the amount claimed in the complaint as damages, the Secretary under such rules and regulations as he shall prescribe, unless the respondent has already made reparation to the person complaining, may issue an order directing the respondent to pay to the complainant the undisputed amount on or before the date fixed in the order, leaving the respondent's liability for the disputed amount for subsequent determination. The remaining disputed amount shall be determined in the same manner and under the same procedure as it would have been determined if no order had been issued by the Secretary with respect to the undisputed sum:

Suit in court by complaint; order prima facie evidence. (b) If any commission merchant, dealer, or broker does not pay the reparation award within the time specified in the Secretary's order, the complainant, or any person for whose benefit such order was made, may within three years of the date of the order file in the district court of the United States for the district in which he resides or in which is located the principal place of business of the commission merchant, dealer, or broker, or in any State court having general jurisdiction of the parties, a petition setting forth briefly the causes for which he claims damages and the order of the Secretary in the premises. The orders, writs, and processes of the district courts may in these cases run, be served, and be returnable anywhere in the United States. Such suit in the district court shall proceed in all respects like other civil suits for damages, except that the findings and orders of the Secretary shall be prima-facie evidence of the facts therein stated, and the petitioner shall not be liable for costs in the district court, nor for costs at any subsequent state of the proceedings, unless they accrue upon his appeal. If the petitioner finally prevails, he shall be allowed a reasonable attorney's fee, to be

taxed and collected as a part of the costs of the suit:

Appeal to court by either party; trial de novo; order prima facie evidence; costs; attorney's fee. (c) Either party adversely affected by the entry of a reparation order by the Secretary may, within thirty days from and after the date of such order, appeal therefrom to the district court of the United States for the district in which said hearing was held: Provided, That in cases handled without a hearing in accordance with paragraphs (c) and (d) of section 6 or in which a hearing has been waived by agreement of the parties, appeal shall

be to the district court of the United States for the district in which the party complained against is located. Such appeal shall be perfected by the filing of a notice thereof together with a petition in duplicate which shall recite prior proceedings before the Secretary, and shall state the grounds upon which petitioner relies to defeat the right of the adverse party to recover the damages claimed, with the clerk of said court with proof of service thereof upon the adverse party, together with a bond in double the amount of the reparation award conditioned upon the payment of the judgment entered by the court plus interest and costs, including a reasonable attorney's fee for the appellee, if the appellee shall prevail. The clerk of court shall immediately forward a copy thereof to the Secretary of Agriculture, who shall forthwith prepare, certify, and file in said court a true copy of the Secretary's decision, findings of fact, conclusions, and order in said case, together with copies of the pleadings upon which the case was heard and submitted to the Secretary. Such suit in the district court shall be a trial de novo and shall proceed in all respects like other civil suits for damages, except that the findings of fact and order or orders of the Secretary shall be prima-facie evidence of the facts therein stated. Appellee shall not be liable for costs in said court if appellee prevails he shall be allowed a reasonable attorney's fee to be taxed and collected as a part of his costs. Such petition and pleadings certified by the Secretary upon which decision was made by him shall upon filing in the district court constitute the pleadings upon which said trial de novo shall proceed subject to any amendment allowed in that court:

Automatic suspension of license for failure to pay award or appeal to court. (d) Unless the licensee against whom a reparation order has been issued shows to the satisfaction of the Secretary within five days from the expiration of the period allowed for compliance with such order that he has either taken an appeal as herein authorized or has made payment in full as required by such order his license shall be suspended automatically at the expiration of such five-day period until he shows to the satisfaction of the Secretary that he has paid the amount therein specified with interest thereon to date of payment: Provided, That if on the appeal the appellee prevails or if the appeal is dismissed the automatic suspension of license shall become effective at the expiration of ten days from the date of the judgment on the appeal unless prior thereto the judgment of the court has been satisfied. (June 10, 1930, sec. 7, 46 Stat. 534; April 13, 1934, secs. 11, 12, 13, 48 Stat. 587, 588; June 19, 1936, sec. 3, 49 Stat. 1534; Aug. 20, 1937, sec. 10, 50 Stat. 728; June 23, 1938, 52 Stat. 953; May 14, 1940,

54 Stat. 214; 7 U.S.C., sec. 499g.)

580. Suspension and revocation of license; grounds.—(a) Whenever (a) the Secretary determines, as provided in section 6, that any commission merchant, dealer, or broker has violated any of the provisions of section 2, or (b) any commission merchant, dealer, or broker has been found guilty in a Federal court of having violated section 14 (b) of this Act, the Secretary may publish the facts and circumstances of such violation and/or, by order, suspend the license of such offender for a period not to exceed ninety days, except that, if the violation is flagrant or repeated, the Secretary may, by order, revoke the license of the offender;

Injunction, operating without license. (b) The Secretary may, after thirty days' notice and an opportunity for a hearing, revoke the license of any commission merchant, dealer, or broker who, after the date given in such notice, continues to employ in any responsible position any individual whose license was revoked or who was responsibly connected with any firm, partnership, association, or corporation whose license has been revoked. Employment of such individual by a licensee in any responsible position after one year following the revocation of any such license shall be conditioned upon the filing by the employing licensee of a bond, in such reasonable sum as may be fixed by the Secretary, or other assurance satisfactory to the Secretary that its business will be conducted in accordance with the provisions of this Act;

Fraud in procurement. (c) If, after a license shall have been issued to an applicant, the Secretary believes that the license was obtained through a false or misleading statement in the application therefor or through a misrepresentation, concealment, or withholding of facts respecting any violation of the Act by any officer, agent, or employee, he may, after thirty days' notice and an opportunity for a hearing, revoke said license, whereupon no license shall be issued to said applicant or any applicant in which the person responsible for such false or misleading statement or misrepresentation, concealment, or withholding of facts is financially interested, except under the con-

ditions set forth in paragraph (b) of section 4.

Operation without license enjoinable. (d) In addition to being subject to the penalties provided by section 3 (a) of this Act, any commission merchant, dealer, or broker who engages in or operates such business without a valid and effective license from the Secretary shall be liable to be proceeded against in any court of competent jurisdiction in a suit by the United States for an injunction to restrain such defendant from further continuing so to engage in or operate such business, and, if the court shall find that the defendant is continuing to engage in such business without a valid and effective license, the court shall issue an injunction to restrain such defendant from continuing to engage in or to operate such business without such license. (June 10, 1930, sec. 8, 46 Stat. 535; April 13, 1934, sec. 14, 48 Stat. 588; Aug. 20, 1937, sec. 11; 50 Stat. 730; 7 U. S. C., sec. 499h.)

581. Accounts and records; duty of licensee.—Every commission merchant, dealer, and broker shall keep such accounts, records, and memoranda as fully and correctly disclose all transactions involved in his business, including the true ownership of such business by stockholding or otherwise. If such accounts, records, and memoranda are not so kept, the Secretary may publish the facts and circumstances and/or, by order, suspend the license of the offender for a period not to exceed ninety days. (June 10, 1930, sec. 9; 46 Stat. 535; 7 U. S. C., sec. 499i.)

582. Order; when in effect; continuance in force; suspension, modification, etc.; penalty.—Any order of the Secretary under this Act other than an order for the payment of money shall take effect within such reasonable time, not less than ten days, as is prescribed in the order, and shall continue in force until his further order, or for a specified period of time, accordingly as it is prescribed in the order,

unless such order is suspended, modified, or set aside by the Secretary or is suspended, modified, or set aside by a court of competent jurisdiction. Any such order of the Secretary, if regularly made, shall be final, unless before the date prescribed for its taking effect application is made to a court of competent jurisdiction by the commission merchant, dealer, or broker against whom such order is directed to have such order set aside or its enforcement, operation, or execution suspended or restrained. (June 10, 1930, sec. 10, 46 Stat. 535; 7 U. S. C., sec. 499j.)

583. Injunctions; application of injunction laws governing orders of Interstate Commerce Commission .- For the purposes of this Act the provisions of all laws relating to the suspending or restraining of the enforcement, operation, or execution, or the setting aside in whole or in part, of the orders of the Interstate Commerce Commission are made applicable to orders of the Secretary under this Act and to any person subject to the provisions of this Act. (June 10, 1930, sec. 11,

46 Stat. 535; 7 U. S. C., sec. 499k.)

584. General provisions; violation of provisions of act; report to Attorney General; proceeding in Federal courts.—The Secretary may report any violation of this Act for which a civil penalty is provided to the Attorney General of the United States, who shall cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States without delay. The costs and expenses of such proceedings shall be paid out of the appropriation for the expenses of the courts of the United States. (June 10, 1930, sec. 12, 46 Stat. 536; 7 U. S. C., sec. 4991.)

585. Investigations; book inspection; suspension of license for refusing inspection.—(a) In the investigation of complaints under this Act, the Secretary or his duly authorized agents shall have the right to inspect such accounts, records, and memoranda of any commission merchant, dealer, or broker as may be material for the determination of any such complaint. If any such commission merchant, dealer, or broker refuses to permit such inspection, the Secretary may publish the facts and circumstances and/or, by order, suspend the license of

the offender until permission to make such inspection is given.

(b) The Secretary, or any officer or employee designated by him for such purpose, may hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, receive evidence, and require by subpoena the attendance and testimony of witnesses and the production of such accounts, records, and memoranda as may be material for

the determination of any complaint under this Act.

Disobedience to subpoena. (c) In case of disobedience to a subpoena, the Secretary or any of his examiners may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of accounts, records, and memoranda. Any district court of the United States within the jurisdiction of which any hearing is carried on may, in case of contumacy or refusal to obey a subpoena issued to any person, issue an order requiring the person to appear before the Secretary or his examiner or to produce accounts, records, and memoranda if so ordered, or to give evidence touching any matter pertinent to any complaint; and any failure to obey such order of the court shall be punished by the court as a contempt thereof.

Depositions; production of accounts, etc. (d) The Secretary may order testimony to be taken by deposition in any proceeding or investigation or incident to any complaint pending under this Act at any stage thereof. Such depositions may be taken before any person designated by the Secretary and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition or under his direction and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce accounts, records, and memoranda in the same manner as witnesses may be compelled to appear and testify and produce accounts, records, and memoranda before the Secretary or any of his examiners.

(e) Witnesses summoned before the Secre-Witness fees; mileage. tary or any officer or employee designated by him shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as

are paid for like service in the courts of the United States.

Incriminatory testimony; immunity. (f) No person shall be excused from attending, testifying, answering any lawful inquiry, or deposing, or from producing any documentary evidence, before the Secretary or any officer or employee designated by him, in obedience to the subpoena of the Secretary or any such officer or employee, in any cause or proceeding, based upon or growing out of any alleged violation of this Act, or upon the taking of any deposition herein provided for, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing, concerning which he is compelled under oath so to testify, or produce evidence, documentary or otherwise, before the Secretary or any officer or employee designated by him, in obedience to the subpoena of the Secretary, or any such officer or employee, or upon the taking of any such deposition, or in any such cause or proceeding: Provided, That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying. (June 10, 1930, sec. 13, 46 Stat. 536; 7 U. S. C., sec. 499m.)

586. Inspection and grading service.—(a) The Secretary is hereby authorized, independently and in cooperation with other branches of the Government, State, or municipal agencies and/or any person, whether operating in one or more jurisdictions, to employ and/or license inspectors to inspect and certify, without regard to the filing of a complaint under this Act, to any interested person the class, quality, and/or condition of any lot of any perishable agricultural commodity when offered for interstate or foreign shipment or when received at places where the Secretary shall find it practicable to provide such service, under such rules and regulations as he may prescribe, including the payment of such fees and expenses as will be reasonable and as nearly as may be to cover the cost for the service rendered: Provided, That fees for inspections made by a licensed inspector, less the percentage thereof which he is allowed by the terms of his contract of employment with the Secretary as compensation for his services,

shall be deposited into the Treasury of the United States as miscellaneous receipts; and fees for inspections made by an inspector acting under a cooperative agreement with a State, municipality, or other person shall be disposed of in accordance with the terms of such agreement: Provided further, That expenses for travel and subsistence incurred by inspectors shall be paid by the applicant for inspection to the United States Department of Agriculture to be credited to the appropriation for carrying out the purposes of this Act: And provided further, That official inspection certificates for fresh fruits and vegetables issued by the Secretary of Agriculture pursuant to any law shall be received by all officers and all courts of the United States, in all proceedings under this Act, and in all transactions upon contract markets under Commodities Exchange Act (7 U. S. C., Supp. 2, secs. 1 to 17 (a)), as prima-facie evidence of the truth of the statements therein contained:

Violation a misdemeanor. (b) Whoever shall falsely make, issue, alter, forge, or counterfeit, or cause or procure to be falsely made, issued, altered, forged, or counterfeited, or willingly aid, cause, procure or assist in, or be a party to the false making, issuing, altering, forging, or counterfeiting of any certificate of inspection issued under authority of this Act, the Produce Agency Act of March 3, 1927 (7 U. S. C., sec. 491-497), or any Act making appropriations for the Department of Agriculture; or shall utter or publish as true or cause to be uttered or published as true any such false, forged, altered, or counterfeited certificate, for a fraudulent purpose, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500 or by imprisonment for a period of not more than one year, or both, at the discretion of the court. (June 10, 1930, sec. 14, 46 Stat. 537; Apr. 13, 1934, sec. 15, 48 Stat. 588; Aug. 20, 1937, sec. 12,

50 Stat. 730; 7 U.S.C., sec. 499n.)

587. Rules, regulations, and orders by Secretary of Agriculture; appointment, removal, and compensation of officers and employees; expenditures; appropriations; abrogation of inconsistent statutes.—The Secretary may make such rules, regulations, and orders as may be necessary to carry out the provisions of this Act, and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and shall have the power to appoint, remove, and fix the compensation of such officers and employees not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, binding, telegrams, telephones, law books, books of reference, publications, furniture, stationery, office equipment, travel, and other supplies and expenses, including reporting services, as shall be necessary to the administration of this Act in the District of Columbia and elsewhere, and as may be appropriated for by Congress; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for such purpose. This Act shall not abrogate nor nullify any other statute, whether State or Federal, dealing with the same subjects as this Act; but it is intended that all such statutes shall remain in full force and effect except in so far only as they are inconsistent herewith or repugnant hereto. (June 10, 1930, sec. 15, 46 Stat. 537; 7 U. S. C., sec. 499o.)

588. Liability of licensees for acts of agents.—In construing and enforcing the provisions of this Act, the act, omission, or failure of any agent, officer, or other person acting for or employed by any commission merchant, dealer, or broker, within the scope of his employment or office, shall in every case be deemed the act, omission, or failure of such commission merchant, dealer, or broker as that of such agent, officer, or other person. (June 10, 1930, sec. 16, 46 Stat. 538; 7 U. S. C., sec. 499p.)

589. Separability.—If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby. (June

10, 1930, sec. 17, 46 Stat. 538; 7 U. S. C., sec. 499q.)

590. Short title.—This Act may be cited as the "Perishable Agricultural Commodities Act, 1930." (June 10, 1930, sec. 18, 46 Stat. 538; 7 U. S. C., sec. 499r.)

TOBACCO CONTROL

616-1. Consent of Congress to production and commerce compacts between States; uniformity; price control, etc.—That the Congress of the United States of America hereby consents that any of the States in which tobacco is produced may negotiate a compact or compacts for the purpose of regulating and controlling the production of, or commerce in, any one or more kinds of tobacco therein: Provided, That all State acts authorizing such compact or compacts shall be essentially uniform and in no way conflicting: Provided further, That any compact, compacts, agreement, or agreements negotiated and agreed upon by the States referred to in the Act of the General Assembly of Virginia, approved March 13, 1936 (known as the Tobacco Control Act), or by any other State or States producing any type or types of tobacco referred to in said Act, which is in conformity with said Act and relating to the type or types of tobacco specifically referred to in said Act, shall become effective to the extent and in the manner provided for in said Act without further consent or ratification on the part of the Congress of the United States of America: Provided, however, That nothing herein contained shall be construed as preventing the Congress of the United States of America from hereafter withdrawing its consent to any compact or agreement entered into pursuant to this Act: Provided further, That nothing in this Act shall be construed to grant the consent of Congress to negotiate any compact for regulating or controlling the production of, or commerce in, tobacco for the purpose of fixing the price thereof, or to create or perpetuate monopoly, or to promote regimentation, but such consent shall be limited to compacts for the regulation and control of production of, or commerce in, tebacco in order thereby to enable growers to receive a fair price for such tobacco. (Apr. 25, 1936, sec. 1, 49 Stat. 1239; 7 U. S. C., sec. 515.)

616-2. Definitions.—As used in this Act, unless otherwise stated or unless the context or subject matter clearly indicates otherwise—

"Person" means any individual, partnership, joint-stock company, corporation, or association.

"State Act" means any Act of a State legislature authorizing a compact or compacts pursuant to the consent given in this Act.

"Commission" means the tobacco commission created by any State Act.

"Secretary" means the Secretary of Agriculture of the United

States.

"Kind of tobacco" means one or more types of tobacco as classified in Service and Regulatory Announcement Numbered 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture as listed below according to the name or names by which known:

Types 11, 12, 13, and 14, known as flue-cured tobacco.

Type 31, known as Burley tobacco.

Types 21, 22, 23, 24, 35, 36, and 37, known as fire-cured and dark air-cured tobacco.

Types 41, 42, 43, 44, 45, and 46, known as cigar-filler tobacco. Types 51, 52, 53, 54, and 65, known as cigar-binder tobacco.

Types 61 and 62, known as cigar-wrapper tobacco.

"Association" means any association of tobacco producers or other persons engaged in the tobacco industry, or both, formed under the laws of any State for the purpose of stabilizing the marketing of tobacco and providing crop protection to producers of tobacco in any State or States. (Apr. 25, 1936, sec. 2, 49 Stat. 1240; 7 U. S. C., sec.

515a.)

616-3. Secretary authorized to make advances to compacting States; repayment.—The Secretary is authorized to make advances from time to time, from the funds hereinafter provided, to the tobacco commission established by the State act of each State which enters into a compact or compacts under the consent given by this Act in such amounts as the Secretary shall determine to be required for the payment of administrative expenses incurred by such commission, and under such terms and conditions with respect to the expenditure thereof as the Secretary shall stipulate: Provided, That each State act creating such commission shall provide for the repayment to the Secretary of such advances from any funds received by the commission from the sale of marketing certificates with respect to tobacco, prior to the use of such funds for any other purpose. (Apr. 25, 1936, sec. 3, 49 Stat. 1240; 7 U. S. C., sec. 515b.)

616-4. Designation of persons to deal with compacting States.—The Secretary shall, upon the request of the Commission of any compacting State, designate such tobacco producers or other persons engaged in the tobacco industry and such officials of the United States Department of Agriculture as he deems advisable to meet with the tobacco commissions for the different States for the purpose of advising in connection with the administration of any compact or compacts entered into pursuant to this Act. (Apr. 25, 1936, sec. 4, 49 Stat. 1240;

7 U. S. C., sec. 515c.)

616-5. Loans to associations of tobacco producers.—The Secretary, from the funds hereinafter provided, is authorized to make loans for administrative purposes, upon terms and conditions stipulated by him, to such association of tobacco producers as may operate with respect to the 1936 crop in the Georgia Tobacco Belt, in a manner similar to that embodied in State Acts providing for compacts under the consent given in this Act. (Apr. 25, 1936, sec. 5, 49 Stat. 1240; 7 U. S. C., sec. 515d.)

616-6. Availability of Department of Agriculture records and facilities to compacting States.—The Secretary is hereby authorized, upon the request of the commission of any compacting State, or at the request of any association referred to in section 5, to make available to the commission of any State or to any such association such records and information, whether published or unpublished, and such facilities of the United States Department of Agriculture as the Secretary deems appropriate in aiding such commission or association. (Apr. 25, 1936, sec. 6, 49 Stat. 1241; 7 U. S. C., sec. 515e.)

616-7. Appropriation; disposition of repayments of loans.—(a) For the purpose of administering this Act there is authorized to be appropriated to the Secretary of Agriculture the sum of \$300,000, or so

much thereof as may be necessary for that purpose.

(b) Any advances or loans which are repaid to the Secretary by any commission or association pursuant to sections 3 and 5 of this Act shall revert to the general fund of the Treasury of the United States. (Apr. 25, 1936, sec. 7, 49 Stat. 1241; 7 U. S. C., sec. 515f.)

616-8. Agencies to which funds available.—All funds available for carrying out this Act shall be available for allotment to the bureaus and offices of the Department of Agriculture and for transfer to such other agencies of the Federal or State Governments as the Secretary may request to cooperate or assist in carrying out this Act. (Apr. 25,

1936, sec. 8, 49 Stat. 1241; 7 U. S. C., sec. 515g.)

616-9. Effect of compacts between States producing cigar tobacco on Puerto Rican commerce.—If, pursuant to this Act, any compact entered into among three or more of the States of Pennsylvania, Ohio, Wisconsin, Massachusetts, Florida, and Connecticut, becomes effective, or if any association or associations are formed, the membership of which includes at least two-thirds of the producers of cigar-filler tobacco and cigar-binder tobacco in three or more of said States, commerce in cigar-filler tobacco produced in Puerto Rico shall be regulated during the period in which any such compact remains effec-

tive or such associations continue to operate, as follows:

(a) The Secretary shall determine for each crop year, by calculations from available statistics of the United States Department of Agriculture, the quantity of cigar-filler tobacco produced in the continental United States and Puerto Rico which is likely to be consumed in all countries of the world during such crop year, increased or decreased, as the case may be, by the amount by which the world stocks of cigar-filler tobacco (produced in the continental United States and Puerto Rico) at the beginning of such crop year are less than or greater than the normal stocks of such cigar-filler tobacco, as determined by the Secretary. For the purposes of this section, the Secretary shall specify as a "crop year" such period of twelve months as he deems will facilitate the administration of this section.

(b) The Secretary shall determine a marketing quota for Puerto Rico for cigar-filler tobacco for each crop year in which the provisions of this section are operative. Such quota shall be that quantity of cigar-filler tobacco which bears the same proportion (subject to such adjustment, which may be cumulative from one crop year to another, not exceeding 5 per centum of said proportion in any one year, as the Secretary determines is necessary to correct for any abnormal conditions of production during any three normal crop years during the last ten years for trends in production during such crop years and

for trends in consumption since such crop years) to the total quantity of cigar-filler tobacco produced in the continental United States and Puerto Rico and required for world consumption (as determined pursuant to paragraph (a) of this section) as the average production of cigar-filler tobacco in Puerto Rico in such crop years bore to the average of the total production of cigar-filler tobacco in the continental

United States and Puerto Rico in such crop years.

(c) The Secretary shall establish for each farm in Puerto Rico for each crop year a tobacco-marketing quota, giving due consideration to the quantity of cigar-filler tobacco marketed from the crops produced on such farm and by the operator thereof in past years; to the land, labor, and equipment available for production of tobacco on such farm; to the crop-rotation practices on such farm; and to the soil and other physical factors affecting production of tobacco on such farm: *Provided*, That the total of the marketing quotas established for all farms in Puerto Rico for any crop year shall not exceed the marketing quota for Puerto Rico for such crop year.

(d) The marketing quota established for Puerto Rico and the marketing quotas established for farms in Puerto Rico for any crop year pursuant to paragraphs (b) and (c) of this section shall be subject to such uniform adjustment during the crop year, not exceeding 10 per centum of said quotas, as the Secretary shall determine to be necessary to establish and maintain normal world stocks of cigar-filler tobacco produced in the continental United States and Puerto Rico

and otherwise to effectuate the purposes of this Act.

(e) The Secretary shall, under such terms and conditions and in accordance with such methods as may be established in regulations prescribed by him, issue, to buyers or handlers of tobacco from any farm in Puerto Rico, marketing certificates for an amount of tobacco equal to the marketing quota established for such farm, and, for any tobacco marketed in excess of such quota for such farm, sell, to the buyer or handlers of such excess tobacco, marketing certificates for a charge equal to one-third of the current market value of such tobacco, and the Secretary may require the buyer or handler of such excess tobacco to deduct the charge for marketing certificates from the price

or proceeds of or advances on such tobacco.

(f) From the proceeds received from the sale of marketing certificates pursuant to paragraph (e) of this section, the Secretary shall make payments to the producers of tobacco on farms in Puerto Rico from which the sales of tobacco, because of weather or diseases or loss by fire affecting the tobacco crops thereon adversely during any crop year, are less than the marketing quotas for such farms for such crop year. Such payments shall be at a rate per pound of such deficit as shall be determined by dividing the funds remaining after deduction of such amount as the Secretary estimates to be necessary for the payment of administrative expenses incurred in administering the provisions of this section by the total number of pounds by which the sales of tobacco from all such farms fall below the marketing quotas for such farms.

(g) The sale, marketing, purchase, or transportation of any cigarfiller tobacco produced, sold, or marketed in Puerto Rico during any period of time when this section shall be in effect is hereby prohibited unless a marketing certificate has been issued for such tobacco by the Secretary pursuant to the provisions of this Act. (Apr. 25,

1936, sec. 9, 49 Stat. 1241; 7 U.S. C., sec. 515h.)

616-10. Disposition of receipts under section 9 for paying administrative expenses, etc.—Any receipts by the Secretary under section 9 of this Act shall be held in a separate fund and used by the Secretary for the purpose of paying administrative expenses and expenditures incurred or made in connection with section 9 of this Act. (Apr. 25, 1936, sec. 10, 49 Stat. 1242; 7 U. S. C., sec. 515i.)

616-11. Separability of provisions.—If any provision of this Act, or the application thereof to any person or circumstance, shall be held invalid, the validity of the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby. (Apr. 25, 1936, sec. 11, 49 Stat. 1242; 7 U. S. C.,

sec. 515j.)

616-12. Rules and regulations.—The Secretary shall prescribe such rules and regulations as he may deem necessary to carry out the provisions of this Act. (Apr. 25, 1936, sec. 12, 49 Stat. 1242; 7 U. S. C., sec. 515k.)

FOREIGN AGRICULTURAL SERVICE

618. Foreign Agricultural Service.—[Foreign Agricultural Service was transferred to Department of State and consolidated with Foreign Service, and functions of Secretary of Agriculture with respect thereto (other than functions pertaining to activities in the United States and to compilation, publication, and dissemination of information) were transferred to Secretary of State by Reorganization Plan No. II, sec. 1 (a), (b), effective July 1, 1939, the full text of which appears following paragraph 115–31 of this volume. See also sec. 402 of this plan for provisions relating to transfer of functions, records, property, personnel, and funds.]

619. Same; clerks and assistants to officers.—[Transfer of Foreign Agricultural Service and functions to Department of State, see note

under paragraph 618, ante.]

620. Same; expenses for travel and subsistence.—[Transfer of Foreign Agricultural Service and functions to Department of State, see note

under paragraph 618, ante.]

621. Authority of Secretary of Agriculture as to regulations, cooperation with various departments and agencies, and expenditures for rent, supplies, and so forth.—[Transfer of Foreign Agricultural Service and functions to Department of State, see note under paragraph 618, ante.]

AGRICULTURAL ADJUSTMENT ACT

Note.—Following the decision of the United States Supreme Court in *United States* v. *Butler et al.*, *Receivers of Hoosac Mills Corp.*, 297 U. S. 1, a large portion of the Agricultural Adjustment Act of 1933, as amended, became inoperative. Certain sections were also repealed by acts of Congress. The sections set forth under the foregoing headings are, in part, those currently in effect. For the remainder of the effective provisions of the original Agricultural Adjustment Act refer to paragraphs 630–12 to 630–28 herein, which include the marketing agreement and order phases of the Act, the declarations of emergency and policy, administrative provisions, appropriations, separability provisions, and provisions relating to imports, etc. The Agricultural Adjustment Act of 1938, as amended, is set out in paragraphs 630–120 to 630–206. The provisions of the Act of June 22, 1936, secs. 601 to 690, inclusive, relating to refunds of taxes collected under the Agricultural Adjustment Act have been omitted from this compilation, inasmuch as these provisions are administered by the Treasury Department.

630-1. Cotton Option Contracts; Government owned cotton; transfer to Secretary of Agriculture; powers of Secretary.—The Federal Farm Board and all departments and other agencies of the Government not including the Federal intermediate credit banks, are hereby directed—

(a) To sell to the Secretary of Agriculture at such price as may be agreed upon, not in excess of the market price, all cotton now

owned by them.

(b) To take such action and to make such settlements as are necessary in order to acquire full legal title to all cotton on which money has been loaned or advanced by any department or agency of the United States, including futures contracts for cotton or which is held as collateral for loans or advances and to make final settle-

ment of such loans and advances as follows:

(1) In making such settlements with regard to cotton, including operations to which such cotton is related, such cotton shall be taken over by all such departments or agencies other than the Secretary of Agriculture at a price or sum equal to the amounts directly or indirectly loaned or advanced thereon and outstanding, including loans by the Government department or agency and any loans senior thereto, plus any sums required to adjust advances to growers to 90 per centum of the value of their cotton at the date of its delivery in the first instance as collateral to the department or agency involved, such sums to be computed by subtracting the total amount already advanced to growers on account of pools of which such cotton was a part, from 90 per centum of the value of the cotton to be taken over as of the time of such delivery as collateral, plus unpaid accrued carrying charges and operating costs on such cotton, less, however, any existing assets of the borrower derived from net income, earnings, or profits arising from such cotton, and from operations to which such cotton is related; all as determined by the department or agency making the settlement.

(2) The Secretary of Agriculture shall make settlements with respect to cotton held as collateral for loans or advances made by him on such terms as in his judgment may be deemed advisable, and to carry out the provisions of this section, is authorized to indemnify or furnish bonds to warehousemen for lost warehouse receipts and

to pay the premiums on such bonds.

When full legal title to the cotton referred to in (b) has been acquired, it shall be sold to the Secretary of Agriculture for the purposes of this section, in the same manner as provided in (a).

(c) The Secretary of Agriculture is hereby authorized to purchase the cotton specified in paragraphs (a) and (b). (May 12, 1933, Title

I, sec. 3, 48 Stat. 32; 7 U. S. C., sec. 603.)

630-2. Borrowing money; expenditures of funds; authority of Secretary of Agriculture.—(a) The Secretary of Agriculture shall have authority to borrow money upon all cotton in his possession or control and may, at his discretion, deposit as collateral for such loans the warehouse receipts for such cotton.

(b) The Secretary of the Treasury is authorized to advance, in his discretion, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000,000 to the Secretary of Agriculture, for paying off any debt or debts which may have been or may be

incurred by the Secretary of Agriculture and discharging any lien or liens which may have arisen or may arise pursuant to part 1 of this title, for protecting title to any cotton which may have been or may be acquired by the Secretary of Agriculture under authority of part 1 of this title, and for paying any expenses (including, but not limited to, warehouse charges, insurance, salaries, interest, costs, and commissions) incident to carrying, handling, insuring, and marketing of said cotton and for the purposes described in subsection (e) of this section. This sum shall be available until the cotton acquired by the Secretary of Agriculture under authority of Title 1 of this Act, including cotton futures, shall have been finally marketed by any agency which may have been or may be established by the Secretary of Agriculture for the handling, carrying, insuring, or marketing of any cotton acquired by the Secretary of Agriculture.

(c) The funds authorized by subsection (b) of this section shall be made available to the Secretary of Agriculture from time to time upon his request and with the approval of the Secretary of the Treasury. Each such request shall be accompanied by a statement showing by weight and average grade and staple the quantity of cotton held by the Secretary of Agriculture and the approximate

aggregate market value thereof.

(d) It is the purpose of subsections (b) and (c) to provide an alternative method to that provided by subsection (a), for enabling the Secretary of Agriculture to finance the acquisition, carrying, handling, insuring, and marketing of cotton acquired by him under authority of section 3 of this Act. The Secretary of Agriculture may at his discretion make use of either or both of the methods provided in this section for obtaining funds for the purposes hereinabove enumerated.

(e) The Secretary of Agriculture is authorized to use in his discretion any funds obtained by him pursuant to the provisions of subsection (a) or (b) of this section or of section 5 for making advances to any agency which may have been or may be established by the Secretary of Agriculture for the handling, carrying, insuring, or marketing of any cotton acquired by the Secretary of Agriculture, to enable any such agency to perform, exercise, and discharge any of the duties, privileges, and functions which such agency may be

authorized to perform, exercise, or discharge.

(f) The proceeds from the sale of cotton shall be held for the Secretary of Agriculture by the Treasurer of the United States in a special deposit account and shall be used by the Secretary of Agriculture to discharge the obligations incurred under authority of part 1 of this title. Whenever any cotton shall be marketed the net proceeds (after discharge of other obligations incurred with respect thereto) derived from the sale thereof shall be used, to the extent required, to reimburse the Treasury for such portion of the funds hereby provided for as shall have been used, which shall be covered into the Treasury as a miscellaneous receipt. If when all of the cotton acquired by the Secretary of Agriculture shall have been marketed and all of the obligations incurred with respect to such cotton shall have been discharged, and the Treasury reimbursed for any and all sums which may have been advanced pursuant to subsection (b), there shall remain any balance in the hands of the Secretary of Agriculture, such balance shall be covered into the Treasury as miscellaneous receipts.

The word "obligation" when used in this section shall include (without being limited to) administrative expenses, warehouse charges, insurance, salaries, interest, costs, commissions, and other expenses incident to handling, carrying, insuring, and marketing of said cotton. (May 12, 1933, Title I, sec. 4, 48 Stat. 33; June 19, 1934, Title II, sec. 1, 48 Stat. 1058; Aug. 24, 1935, secs. 35, 36, 49 Stat. 775; 7 U. S. C.,

630-3. Loans from Reconstruction Finance Corporation; warehouse receipts as collateral.—The Reconstruction Finance Corporation is hereby authorized and directed to advance money and to make loans to the Secretary of Agriculture for the purpose of providing funds with which to enable the Secretary of Agriculture to perform the duties and functions which he is directed or authorized to perform under the provisions of part 1 of this title, provided such advance of money or such loans shall not be for amounts in excess of the market value of the cotton, or the interest of the Secretary of Agriculture in the cotton, against which the advance or loan is to be made at the time such advance or loan may be applied for by the Secretary of Agriculture, plus costs, expenses, and commissions incurred incidental to handling, carrying, and marketing of such cotton. The Secretary of Agriculture shall not be required to pledge or deposit warehouse receipts or other evidences of title to cotton as security for any advance of money or loans made pursuant hereto, but it shall be sufficient if the Secretary shall give to the Reconstruction Finance Corporation a written statement showing the quantity of cotton by weight and the average grade and staple of the cotton against which the advance or loan is to be made. The amount of notes, bonds, debentures, and other obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions of this section. (May 12, 1933, Title I, sec. 5, 48 Stat. 33; June 19, 1934, Title II, sec. 1, 48 Stat. 1059; 7 U. S. C., sec. 605. See also 15 U.S.C., sec. 611a for legislation on cancelation of notes.)

630-4. Sale by Secretary; additional options; validation of assignments; publication of information.—The Secretary shall sell cotton held or acquired by him pursuant to authority of this Act at his discretion subject only to the conditions and limitations of Title I of this Act: Provided, That the Secretary shall have authority to enter into option contracts with producers of cotton to sell to or for the producers such cotton held and/or acquired by him in such amounts and at such prices and upon such terms and conditions as he, the Secretary, may deem advisable, and such option contracts may be transferred or assigned in such manner as the Secretary of Agriculture may prescribe.

Notwithstanding any provisions contained in option contracts heretofore issued and/or any provision of law, assignments made prior to January 11, 1934, of option contracts exercised prior to January 18, 1934, shall be deemed valid upon determination by the Secretary that such assignment was an assignment in good faith of the full interest in such contract and for full value and is free from evidence of fraud or speculation by the assignee.

Notwithstanding any provision of existing law, the Secretary of Agriculture may, in the administration of the Agricultural Adjust-

sec. 604.)

ment Act, make public such information as he deems necessary in order to effectuate the purposes of such Act. (May 12, 1933, Title I, sec. 7, 48 Stat. 34; June 16, 1933, Title II, sec. 221, 48 Stat. 210; Aug. 24, 1935, sec. 33, 49 Stat. 775; 7 U. S. C., sec. 607.)

630-5. Commodity benefits; general powers of Secretary; investigations; proclamation of findings.—(1) Whenever the Secretary of Agri-

culture has reason to believe that-

(a) The current average farm price for any basic agricultural commodity is less than the fair exchange value thereof, or the average farm price of such commodity is likely to be less than the fair exchange value thereof for the period in which the production of such commodity during the current or next succeeding marketing year is normally

marketed, and

(b) The conditions of and factors relating to the production, marketing, and consumption of such commodity are such that the exercise of any one or more of the powers conferred upon the Secretary under subsections (2) and (3) of this section would tend to effectuate the declared policy of this title, he shall cause an immediate investigation to be made to determine such facts. If, upon the basis of such investigation, the Secretary finds the existence of such facts, he shall proclaim such determination and shall exercise such one or more of the powers conferred upon him under subsections (2) and (3) of this section as he finds, upon the basis of an investigation, administratively practicable and best calculated to effectuate the declared policy of this title.

(2) Subject to the provisions of subsection (1) of this section, the Secretary of Agriculture shall provide, through agreements with pro-

ducers or by other voluntary methods,

(a) For such adjustment in the acreage or in the production for market, or both, of any basic agricultural commodity, as he finds, upon the basis of the investigation made pursuant to subsection (1) of this section, will tend to effectuate the declared policy of this title, and to make such adjustment program practicable to operate and admin-

ister, and

(b) For rental or benefit payments in connection with such agreements or methods in such amounts as he finds, upon the basis of such investigation, to be fair and reasonable and best calculated to effectuate the declared policy of this title and to make such program practicable to operate and administer, to be paid out of any moneys available for such payments or, subject to the consent of the producer, to be made in quantities of one or more basic agricultural commodities acquired by the Secretary pursuant to this title.

(3) Subject to the provisions of subsection (1) of this section, the Secretary of Agriculture shall make payments, out of any moneys available for such payments, in such amounts as he finds, upon the basis of the investigation made pursuant to subsection (1) of this section, to be fair and reasonable and best calculated to effectuate the

declared policy of this title:

(a) To remove from the normal channels of trade and commerce quantities of any basic agricultural commodity or product thereof;

(b) To expand domestic or foreign markets for any basic agricultural commodity or product thereof:

(c) In connection with the production of that part of any basic agricultural commodity which is required for domestic consumption.

(4) Whenever, during a period during which any of the powers conferred in subsection (2) or (3) is being exercised, the Secretary of Agriculture has reason to believe that, with respect to any basic agri-

cultural commodity:

- (a) The current average farm price for such commodity is not less than the fair exchange value thereof, and the average farm price for such commodity is not likely to be less than the fair exchange value thereof for the period in which the production of such commodity during the current or next succeeding marketing year is normally marketed, or
- (b) The conditions of and factors relating to the production, marketing, and consumption of such commodity are such that none of the powers conferred in subsections (2) and (3) and no combination of such powers, would, if exercised, tend to effectuate the declared policy of this title, he shall cause an immediate investigation to be made to determine such facts. If, upon the basis of such investigation, the Secretary finds the existence of such facts, he shall proclaim such determination, and shall not exercise any of such powers with respect to such commodity after the end of the marketing year current at the time when such proclamation is made and prior to a new proclamation under subsection (1) of this section, except insofar as the exercise of such power is necessary to carry out obligations of the Secretary assumed, prior to the date of such proclamation made pursuant to this subsection, in connection with the exercise of any of the powers conferred upon him under subsections (2) or (3) of this section.

(5) In the course of any investigation required to be made under subsection (1) or subsection (4) of this section, the Secretary of Agriculture shall hold one or more hearings, and give due notice and

opportunity for interested parties to be heard.

(6) No payment under this title made in an agricultural commodity acquired by the Secretary in pursuance of this title shall be made in a commodity other than that in respect of which the payment is being made. For the purposes of this subsection, hogs and field corn may

be considered as one commodity.

(7) In the case of sugar beets or sugarcane, in the event that it shall be established to the satisfaction of the Secretary of Agriculture that returns to growers or producers, under the contracts for the 1933–1934 crop of sugar beets or sugarcane, entered into by and between the processors and producers and/or growers thereof, were reduced by reason of the payment of the processing tax, and/or the corresponding floor stocks tax, on sugar beets or sugarcane, in addition to the foregoing rental or benefit payments, the Secretary of Agriculture shall make such payments, representing in whole or in part such tax, as the Secretary deems fair and reasonable, to producers who agree, or have agreed, to participate in the program for reduction in the acreage or reduction in the production for market, or both, of sugar beets or sugarcane.*

(8) In the case of rice, the Secretary of Agriculture, in exercising the power conferred upon him by subsection (2) of this section to

^{*}Provisions of this legislation ceased to apply to sugar on Sept. 1, 1937. See par. 630-116.

provide for rental or benefit payments, is directed to provide in any agreement entered into by him with any rice producer pursuant to such subsection, upon such terms and conditions as the Secretary determines will best effectuate the declared policy of this title, that the producer may pledge for production credit in whole or in part his right to any rental or benefit payments under the terms of such agreement and that such producer may designate therein a payee to receive

such rental or benefit payments.

(9) Under regulations of the Secretary of Agriculture requiring adequate facilities for the storage of any nonperishable agricultural commodity on the farm, inspection and measurement of any such commodity so stored, and the locking and sealing thereof, and such other regulations as may be prescribed by the Secretary of Agriculture for the protection of such commodity and for the marketing thereof, a reasonable percentage of any benefit payment may be advanced on any such commodity so stored. In any such case, such deduction may be made from the amount of the benefit payment as the Secretary of Agriculture determines will reasonably compensate for the cost of inspection and sealing but no deduction may be made for interest. (May 12, 1933, Title I, sec. 8, 48 Stat. 34: Apr. 7, 1934, sec. 7, 48 Stat. 528; May 9, 1934, sec. 14, 48 Stat. 676; Mar. 18, 1935, sec. 7, 49 Stat. 46; Aug. 24, 1935, secs. 2, 4–7, 49 Stat. 751, 753–762; 7 U. S. C., sec. 608.)

630-6. Surrender of warehoused goods without receipt; penalties for violation.—No person operating a public warehouse for the storage of any basic agricultural commodity in the current of interstate or foreign commerce shall deliver any such commodity upon which a warehouse receipt has been issued and is outstanding without prior surrender and cancelation of such warehouse receipt, except that any person operating a country public grain warehouse or warehouses may, because of lack of sufficient space to accommodate all depositors, move storage grain out of such warehouse or warehouses to another warehouse for continuous storage, under such regulations as the Secretary of Agriculture may prescribe. A non-negotiable warehouse receipt shall be issued by the warehouseman to whom the grain was shipped, and said receiving warehouseman shall give such guaranty and shall store such grain under such regulations as the Secretary of Agriculture may prescribe to assure delivery to the rightful owner of such grain in the amount, and of the kind, quality, and grade called for by his Any warehouseman who intends to ship grain while his original receipt is outstanding must recite in his receipt both the name and address of his warehouse as well as that of the warehouse to which the grain may be shipped for further storage. All grain shipped under this section must be shipped under a non-negotiable bill of lading. Any person violating any of the provisions of this subsection shall, upon conviction, be punished by a fine of not more than \$5,000, or by imprisonment for not more than two years, or both. This Act shall not be construed as amending or changing in any manner the United States Warehouse Act of August 11, 1916, as amended. 1933, Title I, sec. 8 (5), 48 Stat. 35, as amended Aug. 24, 1935, sec. 7, 49 Stat. 762; Oct. 8, 1940, 54 Stat. 1019; 7 U. S. C., sec 608f and sec. 608f note.)

630-7. "Basic agricultural commodity" defined; exclusion of commodities .- As used in this title, the term "basic agricultural commodity" means wheat, rye, flax, barley, cotton, field corn, grain sorghums, hogs, cattle, rice, potatoes, tobacco, sugar beets and sugarcane, peanuts, and milk and its products, and any regional or market classification, type, or grade thereof; but the Secretary of Agriculture shall exclude from the operation of the provisions of this title, during any period, any such commodity or classification, type, or grade thereof if he finds, upon investigation at any time and after due notice and opportunity for hearing to interested parties, that the conditions of production, marketing, and consumption are such that during such period this title can not be effectively administered to the end of effectuating the declared policy with respect to such commodity or classification, type, or grade thereof. As used in this title, the term "potatoes" means all varieties of potatoes included in the species Solanum tuberosum. (May 12, 1933, Title I, sec. 11, 48 Stat. 38; Apr. 7, 1934, secs. 1, 3 (b), 4, 5, 48 Stat. 528; May 9, 1934, sec. 1, 48 Stat. 670; Aug. 24, 1935, sec. 61, 49 Stat. 782; 7 U. S. C., sec. 611.)

630-8. Appropriation; use of revenues derived from taxes; administrative expenses, what included.—(a) There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000,000 to be available to the Secretary of Agriculture for administrative expenses under this title and for payments authorized to be made under section 8. Such sum shall remain available

until expended.

To enable the Secretary of Agriculture to finance, under such terms and conditions as he may prescribe, surplus reductions with respect to the dairy- and beef-cattle industries, and to carry out any of the purposes described in subsections (a) and (b) of this section (12) and to support and balance the markets for the dairy and beef cattle industries, there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$200,000,000: Provided, That not more than 60 per centum of such amount shall

be used for either of such industries.

(c) The administrative expenses provided for under this section shall include, among others, expenditures for personal services and rent in the District of Columbia and elsewhere, for law books and books of reference, for contract stenographic reporting services, and for printing and paper in addition to allotments under the existing law. The Secretary of Agriculture shall transfer to the Treasury Department, and is authorized to transfer to other agencies, out of funds available for administrative expenses under this title, such sums as are required to pay administrative expenses incurred and refunds made by such department or agencies in the administration of this title. (May 12, 1933, Title I, sec. 12, 48 Stat. 38; Apr. 7, 1934, sec. 2, 48 Stat. 528; Aug. 24, 1935, secs. 3, 19, 49 Stat. 753, 768; June 3, 1937, secs. 1, 2 (j), 50 Stat. 246, 248; 7 U. S. C., sec. 612, 612 note.)

630-9. Surplus commodities; export indemnity, diversion and purchase provisions.—There is hereby appropriated for each fiscal year beginning with the fiscal year ending June 30, 1936 an amount equal to 30 per centum of the gross receipts from duties collected under the customs laws during the period January 1 to December 31, both

inclusive, preceding the beginning of each such fiscal year. Such sums shall be maintained in a separate fund and shall be used by the Secretary of Agriculture only to (1) encourage the exportation of agricultural commodities and products thereof by the payment of benefits in connection with the exportation thereof or of indemnities for losses incurred in connection with such exportation or by payments to producers in connection with the production of that part of any agricultural commodity required for domestic consumption; (2) encourage the domestic consumption of such commodities or products by diverting them, by the payment of benefits or indemnities or by other means, from the normal channels of trade and commerce or by increasing their utilization through benefits, indemnities, donations or by other means, among persons in low income groups as determined by the Secretary of Agriculture; and (3) reestablish farmers' purchasing power by making payments in connection with the normal production of any agricultural commodity for domestic consumption. Determinations by the Secretary as to what constitutes diversion and what constitutes normal channels of trade and commerce and what constitutes normal production for domestic consumption shall be final. The sums appropriated under this section shall be expended for such one or more of the abovespecified purposes, and at such times, in such manner, and in such amounts as the Secretary of Agriculture finds will effectuate substantial accomplishment of any one or more of the purposes of this section. Notwithstanding any other provision of this section, the amount that may be devoted, during any fiscal year after June 30, 1939, to any one agricultural commodity or the products thereof in such fiscal year, shall not exceed 25 per centum of the funds available under this section for such fiscal year. (Aug. 24, 1935, sec. 32, 49 Stat. 774 as amended Feb. 29, 1936, sec. 2, 49 Stat. 1151; Feb. 16, 1938, sec. 203, 52 Stat. 38; June 30, 1939, Title I, 53 Stat. 975; 7 U. S. C., sec. 612c. See paragraphs 630-185, 630-188, 630-203, 630-204, this volume for further legislation in re surplus commodities.)

630-10. Termination of chapter.—This title shall cease to be in effect whenever the President finds and proclaims that the national economic emergency in relation to agriculture has been ended; and pending such time the President shall by proclamation terminate with respect to any basic agriculture commodity such provisions of this title as he finds are not requisite to carrying out the declared policy with respect to such commodity. In the case of sugar beets and sugarcane, the taxes provided by this title shall cease to be in effect, and the powers vested in the President or in the Secretary of Agriculture shall terminate on December 31, 1937, unless this title ceases to be in effect at an earlier date, as hereinabove provided. (May 12, 1933, sec. 13, 48 Stat. 39; May 9, 1934, sec. 15, 48 Stat. 677; Aug. 24, 1935, sec. 20, 49 Stat. 768; 7 U. S. C., sec. 613.)

630-11. Separability clause.—If any provision of this title is declared unconstitutional, or the applicability thereof to any person, circumstance, or commodity is held invalid the validity of the remainder of this title and the applicability thereof to other persons, circumstances, or commodities shall not be affected thereby. (May 12, 1933, Title I, sec. 14, 48 Stat. 39; 7 U. S. C., sec. 614.)

AGRICULTURAL MARKETING AGREEMENT ACT OF 1937

Note.—This compilation is intended to indicate the present status of legislation by Congress relating to marketing agreements and orders regulating the handling of agricultural commodities in interstate and foreign commerce. The Agricultural Marketing Agreement Act of 1937, approved June 3, 1937, 50 Stat. 246, reenacted and amended certain provisions of the Agricultural Adjustment Act of 1933, as amended, relating to marketing agreements and orders.

In the interest of clarity and economy a departure has been made from the style and form of *The Laws Applicable* in the presentation of this legislation. The provisions of section 2 of the Agricultural Marketing Agreement Act of 1937 are not set out *hace verba*. They are, however, incorporated in the body of the provisions of the Agricultural Adjustment Act, as amended, which they amend.

Statutory and code references to the respective paragraphs of the compilation are cited at the end of each complete section. For a fully annotated compilation of this legislation, see *Annotated Compilation of Agricultural Marketing Agreement Act of 1937*, Government Printing Office: 1937.

630–12. Reenactment of certain provisions of Agricultural Adjustment **Act.**—Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the following provisions of the Agricultural Adjustment Act, as amended, not having been intended for the control of the production of agricultural commodities, and having been intended to be effective irrespective of the validity of any other provision of that Act are expressly affirmed and validated, and are reenacted without change except as provided in section 2: (June 3, 1937, sec. 1, 50 Stat. 246; 7 U. S. C., sec. 601 note.)

630-13. Declaration of conditions.—(a) Section 1 (relating to the declaration of emergency): It is hereby declared that the disruption of the orderly exchange of commodities in interstate commerce impairs the purchasing power of farmers and destroys the value of agricultural assets which support the national credit structure and that these conditions affect transactions in agricultural commodities with a national public interest, and burden and obstruct the normal channels of interstate commerce. (May 12, 1933, sec. 1, 48 Stat. 31, as amended June 3, 1937, by secs. 1, 2 (a), 50 Stat. 246; 7 U. S. C., sec. 601.)

630-14. Declaration of policy.—(b) Section 2 (relating to declaration

of policy);

It is hereby declared to be the policy of Congress—

(1) Through the exercise of the powers conferred upon the Secretary of Agriculture under this title, to establish and maintain such orderly marketing conditions for agricultural commodities in interstate commerce as will establish prices to farmers at a level that will give agricultural commodities a purchasing power with respect to articles that farmers buy, equivalent to the purchasing power of agricultural commodities in the base period; and, in the case of all commodities for which the base period is the pre-war period, August 1909 to July 1914, will also reflect current interest payments per acre on farm indebtedness secured by real estate and tax payments per acre on farm real estate, as contrasted with such interest payments and tax payments during the base period. The base period in the case of all agricultural commodities except tobacco and potatoes shall be the prewar period, August 1909-July 1914. In the case of tobacco and potatoes, the base period shall be the postwar period, August 1919-July 1929.

(2) To protect the interest of the consumer by (a) approaching the level of prices which it is declared to be the policy of Congress

to establish in subsection (1) of this section by gradual correction of the current level at as rapid a rate as the Secretary of Agriculture deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (b) authorizing no action under this title which has for its purpose the maintenance of prices to farmers above the level which it is declared to be the policy of Congress to establish in subsection (1) of this section. (May 12, 1933, sec. 2, 48 Stat. 32, as amended Aug. 24, 1935, secs. 1, 62, 49 Stat. 750, 782; June 3, 1937, secs. 1, 2 (b), 50 Stat. 246, 247, 7 U. S. C., sec. 602.)

630-15. Penalties for exceeding quotas; jurisdiction of courts; duties of district attorney; additional remedies; term "person" defined.—(c) Section 8a (5), (6), (7), (8), and (9) relating to violations and enforcement); (5) any person willfully exceeding any quota or allotment fixed for him under this title by the Secretary of Agriculture, and any other person knowingly participating, or aiding, in the exceeding of said quota or allotment, shall forfeit to the United States a sum equal to three times the current market value of such excess, which forfeiture shall be recoverable in a civil suit brought in the name

of the United States.

(6) The several district courts of the United States are hereby vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating any order, regulation, or agreement, heretofore or hereafter made or issued pursuant to this title, in any proceeding now pending or hereafter brought in said courts.

(7) Upon the request of the Secretary of Agriculture, it shall be the duty of the several district attorneys of the United States, in their respective districts, under the directions of the Attorney General, to institute proceedings to enforce the remedies and to collect the forfeitures provided for in, or pursuant to, this title. Whenever the Secretary, or such officer or employee of the Department of Agriculture as he may designate for the purpose, has reason to believe that any handler has violated, or is violating, the provisions of any order or amendment thereto issued pursuant to this title, the Secretary shall have power to institute an investigation and, after due notice to such handler, to conduct a hearing in order to determine the facts for the purpose of referring the matter to the Attorney General for appropriate action.

(8) The remedies provided for in this section shall be in addition to, and not exclusive of, any of the remedies or penalties provided for elsewhere in this title or now or hereafter existing at law

or in equity.

(9) The term "person" as used in this title includes an individual, partnership, corporation, association, and any other business unit. (May 12, 1933, Title I, sec. 8, 48 Stat. 34, as amended May 9, 1934, sec. 4, 48 Stat. 672; Aug. 24, 1935, secs. 9, 10, 49 Stat. 762; June 3, 1937, secs. 1, 2 (c), 50 Stat. 246, 247; 7 U. S. C., secs. 608a, 608a note.)

630-16. Marketing agreements; exemption from antitrust laws; loans from Reconstruction Finance Corporation.—(d) Section 8b (relating to marketing agreements).—In order to effectuate the declared policy of this title, the Secretary of Agriculture shall have the power, after due notice and opportunity for hearing, to enter into marketing agreements with processors, producers, associations of producers, and others en-

gaged in the handling of any agricultural commodity or product thereof, only with respect to such handling as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects, interstate or foreign commerce in such commodity or product thereof. The making of any such agreement shall not be held to be in violation of any of the antitrust laws of the United States, and any such agreement shall be deemed to be lawful: Provided, That no such agreement shall remain in force after the termination of this Act. For the purpose of carrying out any such agreement the parties thereto shall be eligible for loans from the Reconstruction Finance Corporation under section 5 of the Reconstruction Finance Corporation Act. Such loans shall not be in excess of such amounts as may be authorized by the agreements. (May 12, 1933, Title I, sec. 8 (2), 48 Stat. 34, as amended Apr. 7, 1934, sec. 7, 48 Stat. 528; as renumbered sec. 8b and amended Aug. 24, 1935, sec. 4, 49 Stat. 753; as amended June 3, 1937, sec. 1, 50 Stat. 246; 7 U. S. C., sec. 608b, 608b note.)

630-17. Orders regulating handling of commodity—issuance by Secretary.—(e) Section 8c (relating to orders); (1) The Secretary of Agriculture shall, subject to the provisions of this section, issue, and from time to time amend, orders applicable to processors, associations of producers, and others engaged in the handling of any agricultural commodity or product thereof specified in subsection (2) of this section. Such persons are referred to in this title as "handlers." Such orders shall regulate, in the manner hereinafter in this section provided, only such handling of such agricultural commodity, or product thereof, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects, interstate or foreign commerce

in such commodity or product thereof.

Commodities to which applicable. (2) Orders issued pursuant to this section shall be applicable only to the following agricultural commodities and the products thereof (except products of naval stores, and the products of honeybees), or to any regional, or market classification of any such commodity or product: Milk, fruits (including pecans and walnuts but not including apples, other than apples produced in the States of Washington, Oregon, and Idaho, and not including fruits, other than olives, for canning), tobacco, vegetables (not including vegetables, other than asparagus, for canning), soybeans, hops, honeybees and naval stores as included in the Naval Stores Act and standards established thereunder (including refined or partially refined oleoresin).

Notice and hearing. (3) Whenever the Secretary of Agriculture has reason to believe that the issuance of an order will tend to effectuate the declared policy of this title with respect to any commodity or product thereof specified in subsection (2) of this section, he shall give due notice of and an opportunity for a hearing upon a proposed order.

Finding and issuance of order. (4) After such notice and opportunity for hearing, the Secretary of Agriculture shall issue an order if he finds, and sets forth in such order, upon the evidence introduced at such hearing (in addition to such other findings as may be specifically required by this section) that the issuance of such order and all of the terms and conditions thereof will tend to effectuate the declared policy of this title with respect to such commodity.

Terms—Milk and its products.—(5) In the case of milk and its products, orders issued pursuant to this section shall contain one or more of the following terms and conditions, and (except as provided

in subsection (7)) no others:

(A) Classifying milk in accordance with the form in which or the purpose for which it is used, and fixing, or providing a method for fixing, minimum prices for each such use classification which all handlers shall pay, and the time when payments shall be made, for milk purchased from producers or associations of producers. Such prices shall be uniform as to all handlers, subject only to adjustments for (1) volume, market, and production differentials customarily applied by the handlers subject to such order, (2) the grade or quality of the milk purchased, and (3) the locations at which delivery of such milk, or any use classification thereof, is made to such handlers.

(B) Providing:

(i) for the payment to all producers and associations of producers delivering milk to the same handler of uniform prices for all milk delivered by them: *Provided*, That, except in the case of orders covering milk products only, such provision is approved or favored by at least three-fourths of the producers who, during a representative period determined by the Secretary of Agriculture, have been engaged in the production for market of milk covered in such order or by producers who, during such representative period, have produced at least three-fourths of the volume of such milk produced for market during such period; the approval required hereunder shall be separate and apart from any other approval or disapproval provided for by this section; or

(ii) for the payment to all producers and associations of producers delivering milk to all handlers of uniform prices for all milk so delivered, irrespective of the uses made of such milk by

the individual handler to whom it is delivered:

subject, in either case, only to adjustments for (a) volume, market, and production differentials customarily applied by the handlers subject to such order, (b) the grade or quality of the milk delivered, (c) the locations at which delivery of such milk is made, and (d) a further adjustment, equitably to apportion the total value of the milk purchased by any handler, or by all handlers, among producers and associations of producers, on the basis of their marketings of milk during a representative period of time.

(C) In order to accomplish the purposes set forth in paragraphs (A) and (B) of this subsection (5), providing a method for making adjustments in payments, as among handlers (including producers who are also handlers), to the end that the total sums paid by each handler shall equal the value of the milk purchased by him at the

prices fixed in accordance with paragraph (A) hereof.

(D) Providing that, in the case of all milk purchased by handlers from any producer who did not regularly sell milk during a period of 30 days next preceding the effective date of such order for consumption in the area covered thereby, payments to such producer, for the period beginning with the first regular delivery by such pro-

ducer and continuing until the end of two full calendar months following the first day of the next succeeding calendar month, shall be made at the price for the lowest use classification specified in such order, subject to the adjustments specified in paragraph (B) of this

subsection (5).

(E) Providing (i) except as to producers for whom such services are being rendered by a cooperative marketing association, qualified as provided in paragraph (F) of this subsection (5), for market information to producers and for the verification of weights, sampling, and testing of milk purchased from producers, and for making appropriate deductions therefor from payments to producers, and (ii) for assurance of, and security for, the payment by handlers for

milk purchased.

(F) Nothing contained in this subsection (5) is intended or shall be construed to prevent a cooperative marketing association qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", engaged in making collective sales or marketing of milk or its products for the producers thereof, from blending the net proceeds of all of its sales in all markets in all use classifications, and making distribution thereof to its producers in accordance with the contract between the association and its producers: *Provided*, That it shall not sell milk or its products to any handler for use or consumption in any market at prices less than the prices fixed pursuant to paragraph (A) of this subsection (5) for such milk.

(G) No marketing agreement or order applicable to milk and its products in any marketing area shall prohibit or in any manner limit, in the case of the products of milk, the marketing in that area of any milk or product thereof produced in any production area in

the United States.

Terms; other commodities. (6) In the case of fruits (including pecans and walnuts but not including apples, other than apples produced in the States of Washington, Oregon, and Idaho, and not including fruits, other than olives, for canning) and their products, tobacco and its products, vegetables (not including vegetables, other than asparagus, for canning) and their products, soybeans and their products, hops, honeybees, and naval stores as included in the Naval Stores Act and standards established thereunder (including refined or partially refined oleoresin), orders issued pursuant to this section shall contain one or more of the following terms and conditions, and (except as provided in subsection (7)) no others:

(A) Limiting, or providing methods for the limitation of, the total quantity of any such commodity or product, or of any grade, size, or quality thereof, produced during any specified period or periods, which may be marketed in or transported to any or all markets in the current of interstate or foreign commerce or so as directly to burden, obstruct, or affect interstate or foreign commerce in such commodity or product thereof, during any specified period or periods by all

handlers thereof.

(B) Allotting, or providing methods for allotting, the amount of such commodity or product, or any grade, size, or quality thereof, which each handler may purchase from or handle on behalf of any and all producers thereof, during any specified period or periods,

under a uniform rule based upon the amounts sold by such producers in such prior period as the Secretary determines to be representative, or upon the current quantities available for sale by such producers, or both, to the end that the total quantity thereof to be purchased or handled during any specified period or periods shall be

apportioned equitably among producers.

(C) Allotting, or providing methods for allotting, the amount of any such commodity or product, or any grade, size, or quality thereof, which each handler may market in or transport to any or all markets in the current of interstate or foreign commerce or so as directly to burden, obstruct, or affect interstate or foreign commerce in such commodity or product thereof, under a uniform rule based upon the amounts which each such handler has available for current shipment, or upon the amounts shipped by each such handler in such prior period as the Secretary determines to be representative, or both, to the end that the total quantity of such commodity or product, or any grade, size, or quality thereof, to be marketed in or transported to any or all markets in the current of interstate or foreign commerce or so as directly to burden, obstruct, or affect interstate or foreign commerce in such commodity or product thereof, during any specified period or periods shall be equitably apportioned among all of the handlers thereof.

(D) Determining, or providing methods for determining, the existence and extent of the surplus of any such commodity or product, or of any grade, size, or quality thereof, and providing for the control and disposition of such surplus, and for equalizing the burden of such surplus elimination or control among the producers and handlers

thereof.

(E) Establishing, or providing for the establishment of, reserve pools of any such commodity or product, or of any grade, size, or quality thereof, and providing for the equitable distribution of the net return derived from the sale thereof among the persons beneficially interested therein.

Terms common to all orders. (7) In the case of the agricultural commodities and the products thereof specified in subsection (2) orders shall contain one or more of the following terms and conditions:

(A) Prohibiting unfair methods of competition and unfair trade

practices in the handling thereof.

- (B) Providing that (except for milk and cream to be sold for consumption in fluid form) such commodity or product thereof, or any grade, size, or quality thereof shall be sold by the handlers thereof only at prices filed by such handlers in the manner provided in such order.
- (C) Providing for the selection by the Secretary of Agriculture, or a method for the selection, of an agency or agencies and defining their powers and duties, which shall include only the powers:
 - (i) To administer such order in accordance with its terms and provisions;

(ii) To make rules and regulations to effectuate the terms and

provisions of such order;

(iii) To receive, investigate, and report to the Secretary of Agriculture complaints of violations of such order; and

(iv) To recommend to the Secretary of Agriculture amendments to such order.

No person acting as a member of an agency established pursuant to this paragraph (C) shall be deemed to be acting in an official capacity, within the meaning of section 10 (g) of this title, unless such person receives compensation for his personal services from funds of the United States.

(D) Incidental to, and not inconsistent with, the terms and conditions specified in subsections (5), (6), and (7) and necessary to effectuate the other provisions of such order.

Orders with marketing agreement. (8) Except as provided in subsection (9) of this section, no order issued pursuant to this section shall become effective until the handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the commodity or product thereof covered by such order) of not less than 50 per centum of the volume of the commodity or product thereof covered by such order which is produced or marketed within the production or marketing area defined in such order have signed a marketing agreement, entered into pursuant to section 8b of this title, which regulates the handling of such commodity or product in the same manner as such order, except that as to citrus fruits produced in any area producing what is known as California citrus fruits no order issued pursuant to this subsection (8) shall become effective until the handlers of not less than 80 per centum of the volume of such commodity or product thereof covered by such order have signed such a marketing agreement: Provided, That no order issued pursuant to this subsection shall be effective unless the Secretary of Agriculture determines that the issuance of such order is approved or favored:

(A) By at least two-thirds of the producers who (except that as to citrus fruits produced in any area producing what is known as California citrus fruits said order must be approved or favored by three-fourths of the producers), during a representative period determined by the Secretary, have been engaged, within the production area specified in such marketing agreement or order, in the production for market of the commodity specified therein, or who, during such representative period, have been engaged in the production of such commodity for sale in the marketing area specified in such

marketing agreement, or order, or

(B) By producers who, during such representative period, have produced for market at least two-thirds of the volume of such commodity produced for market within the production area specified in such marketing agreement or order, or who, during such representative period, have produced at least two-thirds of the volume of such commodity sold within the marketing area specified in such market-

ing agreement or order.

Orders with or without marketing agreement. (9) Any order issued pursuant to this section shall become effective in the event that, notwithstanding the refusal or failure of handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the commodity or product thereof covered by such order) of more than 50 per centum of the volume of the commodity or product thereof (except that as to citrus fruits produced in any area producing what is known as California citrus fruits said per centum shall be 80 per centum) covered by such order which is produced or marketed within the production or marketing area defined

in such order to sign a marketing agreement relating to such commodity or product thereof, on which a hearing has been held, the Secretary of Agriculture, with the approval of the President,

determines:

(A) That the refusal or failure to sign a marketing agreement (upon which a hearing has been held) by the handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the commodity or product thereof covered by such order) of more than 50 per centum of the volume of the commodity or product thereof (except that as to citrus fruits produced in any area producing what is known as California citrus fruits said per centum shall be 80 per centum) specified therein which is produced or marketed within the production or marketing area specified therein tends to prevent the effectuation of the declared policy of this title with respect to such commodity or product, and

(B) That the issuance of such order is the only practical means of advancing the interests of the producers of such commodity pursu-

ant to the declared policy, and is approved or favored:

(i) By at least two-thirds of the producers (except that as to citrus fruits produced in any area producing what is known as California citrus fruits said order must be approved or favored by three-fourths of the producers) who, during a representative period determined by the Secretary, have been engaged, within the production area specified in such marketing agreement or order, in the production for market of the commodity specified therein, or who, during such representative period, have been engaged in the production of such commodity for sale in the marketing area specified in such marketing agreement, or order, or

(ii) By producers who, during such representative period, have produced for market at least two-thirds of the volume of such commodity produced for market within the production area specified in such marketing agreement or order, or who, during such representative period, have produced at least two-thirds of the volume of such commodity sold within the marketing area specified in such market-

ing agreement or order.

Manner of regulation and applicability. (10) No order shall be issued under this section unless it regulates the handling of the commodity or product covered thereby in the same manner as, and is made applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held. No order shall be issued under this title prohibiting, regulating, or restricting the advertising of any commodity or product covered thereby, nor shall any marketing agreement contain any provision prohibiting, regulating, or restricting the advertising of any commodity or product covered by such marketing agreement.

Regional application. (11) (A) No order shall be issued under this section which is applicable to all production areas or marketing areas, or both, of any commodity or product thereof unless the Secretary finds that the issuance of several orders applicable to the respective regional production areas or regional marketing areas, or both, as the case may be, of the commodity or product would not effectively carry

out the declared policy of this title.

(B) Except in the case of milk and its products, orders issued under this section shall be limited in their application to the smallest regional production areas or regional marketing areas, or both, as the case may be, which the Secretary finds practicable, consistently with carrying

out such declared policy.

(C) All orders issued under this section which are applicable to the same commodity or product thereof shall, so far as practicable, prescribe such different terms, applicable to different production areas and marketing areas, as the Secretary finds necessary to give due recognition to the differences in production and marketing of such

commodity or product in such areas.

Cooperative association representation. (12) Whenever, pursuant to the provisions of this section, the Secretary is required to determine the approval or disapproval of producers with respect to the issuance of any order, or any term or condition thereof, or the termination thereof, the Secretary shall consider the approval or disapproval by any cooperative association of producers, bona fide engaged in marketing the commodity or product thereof covered by such order, or in rendering services for or advancing the interests of the producers of such commodity, as the approval or disapproval of the producers who are members of, stockholders in, or under contract with, such cooperative association of producers.

Retailer and producer exemption. (13) (A) No order issued under subsection (9) of this section shall be applicable to any person who sells agricultural commodities or products thereof at retail in his capacity as such retailer, except to a retailer in his capacity as a retailer

of milk and its products.

(B) No order issued under this title shall be applicable to any

producer in his capacity as a producer.

Violation of order. (14) Any handler subject to an order issued under this section, or any officer, director, agent, or employee of such handler, who violates any provision of such order (other than a provision calling for payment of a pro rata share of expenses) shall, on conviction, be fined not less than \$50 or more than \$500 for each such violation, and each day during which such violation continues shall be deemed a separate violation: *Provided*, That if the court finds that a petition pursuant to subsection (15) of this section was filed and prosecuted by the defendant in good faith and not for delay, no penalty shall be imposed under this subsection for such violations as occurred between the date upon which the defendant's petition was filed with the Secretary, and the date upon which notice of the Secretary's ruling thereon was given to the defendant in accordance with regulations prescribed pursuant to subsection (15).

Petition by handler and review. (15) (A) Any handler subject to an order may file a written petition with the Secretary of Agriculture, stating that any such order or any provision of any such order or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary of Agriculture, with the approval of the President. After such hearing, the Secretary shall make a ruling upon the prayer of such petition

which shall be final, if in accordance with law.

(B) The District Courts of the United States (including the Supreme Court of the District of Columbia) in any district in which such handler is an inhabitant, or has his principal place of business, are hereby vested wth jurisdiction in equity to review such ruling, provided a bill in equity for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the bill of complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to this subsection (15) shall not impede, hinder, or delay the United States or the Secretary of Agriculture from obtaining relief pursuant to section 8a (6) of this title. Any proceedings brought pursuant to section 8a (6) of this title (except where brought by way of counterclaim in proceedings instituted pursuant to this subsection (15)) shall abate whenever a final decree has been rendered in proceedings between the same parties, and covering the same subject matter, instituted pursuant to this subsection (15).

Termination of orders and marketing agreements. (16) (A) The Secretary of Agriculture shall, whenever he finds that any order issued under this section, or any provision thereof, obstructs or does not tend to effectuate the declared policy of this title, terminate or suspend the

operation of such order or such provision thereof.

(B) The Secretary shall terminate any marketing agreement entered into under section 8b, or order issued under this section, at the end of the then current marketing period for such commodity, specified in such marketing agreement or order, whenever he finds that such termination is favored by a majority of the producers who, during a representative period determined by the Secretary, have been engaged in the production for market of the commodity specified in such marketing agreement or order, within the production area specified in such marketing agreement or order, or who, during such representative period, have been engaged in the production of such commodity for sale within the marketing area specified in such marketing agreement or order: Provided, That such majority have, during such representative period, produced for market more than 50 per centum of the volume of such commodity produced for market within the production area specified in such marketing agreement or order, or have, during such representative period, produced more than 50 per centum of the volume of such commodity sold in the marketing area specified in such marketing agreement or order, but such termination shall be effective only if announced on or before such date (prior to the end of the then current marketing period) as may be specified in such marketing agreement or order.

(C) The termination or suspension of any order or amendment thereto or provision thereof, shall not be considered an order within

the meaning of this section.

Provisions applicable to amendments. (17) The provisions of this section, section 8d, and section 8e applicable to orders shall be applicable to amendments to orders: *Provided*, That notice of a hearing upon a proposed amendment to any order issued pursuant to section

8c, given not less than three days prior to the date fixed for such hear-

ing, shall be deemed due notice thereof.

Milk prices. (18) The Secretary of Agriculture, prior to prescribing any term in any marketing agreement or order, or amendment thereto, relating to milk or its products, if such term is to fix minimum prices to be paid to producers or associations of producers, or prior to modifying the price fixed in any such term, shall ascertain, in accordance with section 2 and section 8e, the prices that will give such commodities a purchasing power equivalent to their purchasing power during the base period. The level of prices which it is declared to be the policy of Congress to establish in section 2 and section 8e shall, for the purposes of such agreement, order, or amendment, be such level as will reflect the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand, for milk or its products in the marketing area to which the contemplated marketing agreement, order, or amendment relates. Whenever the Secretary finds, upon the basis of the evidence adduced at the hearing required by section 8b or 8c, as the case may be, that the prices that will give such commodities a purchasing power equivalent to their purchasing power during the base period as determined pursuant to section 2 and section 8e are not reasonable in view of the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk and its products in the marketing area to which the contemplated agreement, order, or amendment relates, he shall fix such prices as he finds will reflect such factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest. Thereafter, as the Secretary finds necessary on account of changed circumstances, he shall, after due notice and opportunity for hearing, make adjustments in such prices.

Producer referendum. (19) For the purpose of ascertaining whether the issuance of an order is approved or favored by producers, as required under the applicable provisions of this title, the Secretary may conduct a referendum among producers. The requirements of approval or favor under any such provision shall be held to be complied with if, of the total number of producers, or the total volume of production, as the case may be, represented in such referendum, the percentage approving or favoring is equal to or in excess of the percentage required under such provision. Nothing in this subsection shall be construed as limiting representation by cooperative associations as provided in subsection (12). (May 12, 1933, Title I, sec. 8c, as added Aug. 24, 1935, sec. 5, 49 Stat. 753, as amended June 25, 1936, 49 Stat. 1921; June 3, 1937, secs. 1, 2 (d), (e), (f), (k), (l), (m), 50 Stat. 246, 247; Aug. 5, 1937, 50 Stat. 563; April 13, 1938, secs. 1, 2, 52 Stat. 215;

May 31, 1939, 53 Stat. 793; 7 U.S. C., sec. 608c and 608c notes.)

630-18. Same; hops.—No orders issued pursuant to section 8c of the Agricultural Adjustment Act, as amended, shall be applicable to hops after September 1, 1942, except during the two crop years next succeeding the date of enactment of this Act. (Apr. 13, 1938, sec. 3, 52 Stat. 215, as amended May 26, 1939, 53 Stat. 782; 7 U. S. C., sec. 608c-1.)

630-19. Books and records; disclosure of information.—(f) Section 8d

(relating to books and records):

(1) All parties to any marketing agreement, and all handlers subject to an order, shall severally, from time to time, upon the request of

the Secretary, furnish him with such information as he finds to be necessary to enable him to ascertain and determine the extent to which such agreement or order has been carried out or has effectuated the declared policy of this title, and with such information as he finds to be necessary to determine whether or not there has been any abuse of the privilege of exemptions from the antitrust laws. Such information shall be furnished in accordance with forms of reports to be prescribed by the Secretary. For the purpose of ascertaining the correctness of any report made to the Secretary pursuant to this subsection, or for the purpose of obtaining the information required in any such report, where it has been requested and has not been furnished, the Secretary is hereby authorized to examine such books, papers, records, copies of income-tax reports, accounts, correspondence, contracts, documents, or memoranda, as he deems relevant and which are within the control (1) of any such party to such marketing agreement, or any such handler, from whom such report was requested or (2) of any person having, either directly or indirectly, actual or legal control of or over such party or such handler or (3)

of any subsidiary of any such party, handler, or person.

(2) Notwithstanding the provisions of section 7, all information furnished to or acquired by the Secretary of Agriculture pursuant to this section shall be kept confidential by all officers and employees of the Department of Agriculture and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request; of the Secretary of Agriculture; or to which he or any officer of the United States is a party, and involving the marketing agreement or order with reference to which the information so to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit (A) the issuance of general statements based upon the reports of a number of parties to a marketing agreement or of handlers subject to an order, which statements do not identify the information furnished by any person, or (B) the publication by direction of the Secretary, of the name of any person violating any marketing agreement or any order, together with a statement of the particular provisions of the marketing agreement or order violated by such person. Any such officer or employee violating the provisions of this section shall upon conviction be subject to a fine of not more than \$1,000 or to imprisonment for not more than one year, or to both, and shall be removed from office. (May 12, 1933, title I, sec. 8d, as added Aug. 24, 1935, sec. 6, 49 Stat. 761, as amended June 3, 1937, sec. 1, 50 Stat. 246; 7 U. S. C., sec. 608d and notes.)

630-20. Determination of base period.—(g) Section 8e (relating to

determination of base period):

In connection with the making of any marketing agreement or the issuance of any order, if the Secretary finds and proclaims that, as to any commodity specified in such marketing agreement or order, the purchasing power during the base period specified for such commodity in section 2 of this title cannot be satisfactorily determined from available statistics of the Department of Agriculture, the base period, for the purposes of such marketing agreement or order, shall be the postwar period, August 1919–July 1929, or all that portion thereof for which the Secretary finds and proclaims that the purchasing power of

such commodity can be satisfactorily determined from available statistics of the Department of Agriculture. (May 12, 1933, Title I, sec. 8e, as added Aug. 24, 1935, sec. 6, 49 Stat. 762, as amended June 3, 1937, sec. 1, 50 Stat. 246; 7 U.S. C., sec. 608e).

630-21. Powers of Secretary of Agriculture generally; appointment of officers and employees.—(h) Section 10 (a), (b) (2), (c), (f), (g),

(h), and (i) (miscellaneous provisions):

(a) The Secretary of Agriculture may appoint such officers and employees, subject to the provisions of the Classification Act of 1923 and Acts amendatory thereof, and such experts as are necessary to execute the functions vested in him by this title; and the Secretary may make such appointments without regard to the civil service laws or regulations: Provided, That no salary in excess of \$10,000 per annum shall be paid to any officer, employee, or expert of the Agricultural Adjustment Administration, which the Secretary shall establish in the Department of Agriculture for the administration of the functions vested in him by this title: And provided further, That the State Administrator appointed to administer this Act in each State shall be appointed by the President, by and with the advice and consent of the Senate. Title II of the Act entitled "An Act to maintain the credit of the United States Government", approved March 20, 1933, to the extent that it provides for the impoundment of appropriations on account of reductions in compensation, shall not operate to require such

impoundment under appropriations contained in this Act.

Handlers' share of expenses of authority or agency. (b) (2) Each order issued by the Secretary under this title shall provide that each handler subject thereto shall pay to any authority or agency established under such order such handler's pro rata share (as approved by the Secretary) of such expenses as the Secretary may find will necessarily be incurred by such authority or agency, during any period specified by him, for the maintenance and functioning of such authority or agency, other than expenses incurred in receiving, handling, holding, or disposing of any quantity of a commodity received, handled, held, or disposed of by such authority or agency for the benefit or account of persons other than handlers subject to such order. The pro rata share of the expenses payable by a cooperative association of producers shall be computed on the basis of the quantity of the agricultural commodity or product thereof covered by such order which is distributed, processed, or shipped by such cooperative association of producers. Any such authority or agency may maintain in its own name, or in the names of its members, a suit against any handler subject to an order for the collection of such handler's pro rata share of expenses. The several District Courts of the United States are hereby vested with jurisdiction to entertain such suits regardless of the amount in controversy.

Regulations; penalty for violation. (c) The Secretary of Agriculture is authorized, with the approval of the President, to make such regulations with the force and effect of law as may be necessary to carry out the powers vested in him by this title. Any violation of any regulation shall be subject to such penalty, not in excess of \$100, as

may be provided therein.

Geographical application.—(f) The provisions of this title shall be applicable to the United States and its possessions, except the Philippine Islands, the Virgin Islands, American Samoa, the Canal Zone, and the island of Guam; except that, in the case of sugar beets and sugarcane, the President, if he finds it necessary in order to effectuate the declared policy of this Act, is authorized by proclamation to make the provisions of this title applicable to the Philippine Islands, the Virgin Islands, American Samoa, the Canal Zone, and/or the island of Guam.

Officers, dealing or speculating in agricultural products; penalties. (g) No person shall, while acting in any official capacity in the administration of this title, speculate, directly or indirectly, in any agricultural commodity or product thereof, to which this title applies, or in contracts relating thereto, or in the stock or membership interests of any association or corporation engaged in handling, processing, or disposing of any such commodity or product. Any person violating this subsection shall upon conviction thereof be fined not more than

\$10,000 or imprisoned not more than two years, or both.

Provisions of Federal Trade Commission Act adopted; hearings, before whom held; report on violations to Attorney General. (h) For the efficient administration of the provisions of part 2 of this title, the provisions, including penalties, of sections 8, 9, and 10 of the Federal Trade Commission Act, approved September 26, 1914, are made applicable to the jurisdiction, powers, and duties of the Secretary in administering the provisions of this title and to any person subject to the provisions of this title, whether or not a corporation. Hearings authorized or required under this title shall be conducted by the Secretary of Agriculture or such officer or employee of the Department as he may designate for the purpose. The Secretary may report any violation of any agreement entered into under part 2 of this title to the Attorney General of the United States, who shall cause appropriate proceedings to enforce such agreement to be commenced and prosecuted in the proper courts of the United States without delay.

Cooperation with State authorities; imparting information. Secretary of Agriculture upon the request of the duly constituted authorities of any State is directed, in order to effectuate the declared policy of this title and in order to obtain uniformity in the formulation, administration, and enforcement of Federal and State programs relating to the regulation of the handling of agricultural commodities or products thereof, to confer with and hold joint hearings with the duly constituted authorities of any State, and is authorized to cooperate with such authorities; to accept and utilize, with the consent of the State, such State and local officers and employees as may be necessary; to avail himself of the records and facilities of such authorities; to issue orders (subject to the provisions of section 8c) complementary to orders or other regulations issued by such authorities; and to make available to such State authorities the records and facilities of the Department of Agriculture: Provided, That information furnished to the Secretary of Agriculture pursuant to section 8d (1) hereof shall be made available only to the extent that such information is relevant to transactions within the regulatory jurisdiction of such authorities, and then only upon a written agreement by such authorities that the information so furnished shall be kept confidential by them in a manner similar to that required of Federal officers and employees under the provisions of section 8d (2) hereof.

(j) The term "interstate or foreign commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession, or the District of Columbia. For the purpose of this Act (but in nowise limiting the foregoing definition) a marketing transaction in respect to an agricultural commodity or the product thereof shall be considered in interstate or foreign commerce if such commodity or product is part of that current of interstate or foreign commerce usual in the handling of the commodity or product whereby they, or either of them, are sent from one State to end their transit, after purchase, in another, including all cases where purchase or sale is either for shipment to another State or for the processing within the State and the shipment outside the State of the products so processed. Agricultural commodities or products thereof normally in such current of interstate or foreign commerce shall not be considered out of such current through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this Act. As used herein, the word "State" includes Territory, the District of Columbia, possession of the United States, and foreign nations. (May 12, 1933, Title I, sec. 10, 48 Stat. 37; June 16, 1933, Title VIII, sec. 86, 48 Stat. 273; May 9, 1934, sec. 7, 48 Stat. 675; Aug. 24, 1935, secs. 16-18, 49 Stat. 767; Aug. 26, 1935, 49 Stat. 801; June 22, 1936, sec. 601 (a), 49 Stat. 1739; June 3, 1937, secs. 1, 2 (g-i), 50 Stat. 248; 7 U. S. C., sec. 610.)

630-22. Appropriations; administrative expenses.—(i) Section 12 (a)

and (c) (relating to appropriation and expense):

(a) There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000,000 to be available to the Secretary of Agriculture for administrative expenses under this title and for payments authorized to be made under sec-

tion 8. Such sum shall remain available until expended.

To enable the Secretary of Agriculture to finance, under such terms and conditions as he may prescribe, surplus reductions with respect to the dairy- and beef-cattle industries, and to carry out any of the purposes described in subsections (a) and (b) of this section (12) and to support and balance the markets for the dairy and beef cattle industries, there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$200,000,000: Provided, That not more than 60 per centum of such amount shall be used for either of such industries.

(c) The administrative expenses provided for under this section shall include, among others, expenditures for personal services and rent in the District of Columbia and elsewhere, for law books and books of reference, for contract stenographic reporting services, and for printing and paper in addition to allotments under the existing law. The Secretary of Agriculture shall transfer to the Treasury Department, and is authorized to transfer to other agencies, out of funds available for administrative expenses under this title, such sums as are required to pay administrative expenses incurred and

refunds made by such department or agencies in the administration of this title. (May 12, 1933, Title I, sec. 12, 48 Stat. 38; April 7, 1934, sec. 2, 48 Stat. 528; Aug. 24, 1935, secs. 3, 19, 49 Stat. 753, 768; June 3, 1937, secs. 1, 2 (j), 50 Stat. 246, 248; 7 U. S. C., sec. 612, 612

note.)

630-23. Separability of provisions.—(j) Section 14 (relating to separability): If any provision of this title is declared unconstitutional, or the applicability thereof to any person, circumstance, or commodity is held invalid the validity of the remainder of this title and the applicability thereof to other persons, circumstances, or commodities shall not be affected thereby. (May 12, 1933, Title I, sec. 14, 48 Stat. 39; June 3, 1937, sec. 1, 50 Stat. 246; 7 U. S. C., sec. 614, 614 note.)

630-24. Limitation on imports; authority of President.—(k) Section

22 (relating to imports):

(a) Whenever the President has reason to believe that any one or more articles are being or are practically certain to be imported into the United States under such conditions and in sufficient quantities as to render or tend to render ineffective or materially interfere with any program or operation undertaken, or to reduce substantially the amount of any product processed in the United States from any commodity subject to and with respect to which any program is in operation, under this title, or the Soil Conservation and Domestic Allotment Act, as amended, or section 32, Public Law Numbered 320, Seventy-fourth Congress, approved August 24, 1935, as amended, he shall cause an immediate investigation to be made by the United States Tariff Commission, which shall give precedence to investigations under this section to determine such facts. Such investigation shall be made after due notice and opportunity for hearing to interested parties and shall be conducted subject to such regulations as

the President shall specify.

(b) If, on the basis of such investigation and report to him of findings and recommendations made in connection therewith, the President finds the existence of such facts, he shall by proclamation impose such fees on, or such limitations on the total quantities of, any article or articles which may be entered, or withdrawn from warehouse, for consumption as he finds and declares shown by such investigation to be necessary to prescribe in order that the entry of such article or articles will not render or tend to render ineffective or materially interfere with any program or operation undertaken, or will not reduce substantially the amount of any product processed in the United States from any commodity subject to and with respect to which any program is in operation, under this title or the Soil Conservation and Domestic Allotment Act, as amended, or section 32, Public Law Numbered 320, Seventy-fourth Congress, approved August 24, 1935, as amended: Provided, That no limitation shall be imposed on the total quantity of any article which may be imported from any country which reduces such permissible total quantity to less than 50 per centum of the average annual quantity of such article which was imported from such country during the period from January 1, 1929, to December 31, 1933, both dates inclusive.

(c) The fees and import restrictions proclaimed by the President under this section and any revocation, suspension, or modification

thereof, shall become effective on such date as shall be specified in such proclamation, revocation, suspension, or modification, and such fees, which shall not be in excess of 50 per centum ad valorem, shall be treated for the purposes of all provisions of law relating to customs revenue as duties imposed by the Tariff Act of 1930.

(d) Any decision of the President as to facts under this section

shall be final.

(e) After investigation, report, finding, and declaration in the manner provided in the case of a proclamation issued pursuant to subsection (b) of this section, any proclamation or provision of such proclamation may be suspended by the President whenever he finds that the circumstances requiring the proclamation or provision thereof no longer exists, or may be modified by the President whenever he finds that changed circumstances require such modification to carry out the purposes of this section. (May 12, 1933, Title I, sec. 22, as added Aug. 24, 1935, sec. 31, 49 Stat. 773; as amended Feb. 29, 1936, sec. 5, 49 Stat. 1152; June 3, 1937, sec. 1, 50 Stat. 246; as amended Jan. 25, 1940, 54 Stat. 17; 7 U. S. C., sec. 624.)

630-25. Provisions reenacted by section 1 of the Agricultural Marketing Agreement Act.—The following provisions, reenacted in section 1

of this act, are amended as follows:

Arbitration of disputes concerning milk; conduct of meetings; approval of award; exemption from antitrust laws. (a) The Secretary of Agriculture, or such officer or employee of the Department of Agriculture as may be designated by him, upon written application of any cooperative association, incorporated or otherwise, which is in good faith owned or controlled by producers or organizations thereof, of milk or its products, and which is bona fide engaged in collective processing or preparing for market or handling or marketing (in the current of interstate or foreign commerce, as defined by paragraph (i) of section 2 of this Act), milk or its products, may mediate and, with the consent of all parties, shall arbitrate if the Secretary has reason to believe that the declared policy of the Agricultural Adjustment Act, as amended, would be effectuated thereby, bona fide disputes, between such associations and the purchasers or handlers or processors or distributors of milk or its products, as to terms and conditions of the sale of milk or it products. The power to arbitrate under this section shall apply only to such subjects of the term or condition in dispute as could be regulated under the provisions of the Agricultural Adjustment Act, as amended, relating to orders for milk and its products.

(b) Meetings held pursuant to this section shall be conducted subject to such rules and regulations as the Secretary may prescribe.

(c) No award or agreement resulting from any such arbitration or mediation shall be effective unless and until approved by the Secretary of Agriculture, or such officer or employee of the Department of Agriculture as may be designated by him, and shall not be approved if it permits any unlawful trade practice or any unfair method of competition.

(d) No meeting so held and no award or agreement so approved shall be deemed to be in violation of any of the antitrust laws of the United States. (June 3, 1937, sec. 3, 50 Stat. 248; 7 U. S. C., sec. 671.)

630-26. Agreements; licenses, regulations, etc., unaffected.—Nothing in this Act shall be construed as invalidating any marketing agreement,

license, or order, or any regulation relating to, or any provision of, or any act of the Secretary of Agriculture in connection with, any such agreement, license, or order which has been executed, issued, approved, or done under the Agricultural Adjustment Act, or any amendment thereof, but such marketing agreements, licenses, orders, regulations, provisions, and acts are hereby expressly ratified, legalized, and confirmed. (June 3, 1937, sec. 4, 50 Stat. 249; 7 U. S. C., sec. 672.)

630-27. Taxes under Agricultural Adjustment Act; laws unaffected.—No processing taxes or compensating taxes shall be levied or collected under the Agricultural Adjustment Act, as amended. Except as provided in the preceding sentence, nothing in this Act shall be construed as affecting provisions of the Agricultural Adjustment Act, as amended, other than those enumerated in section 1. The provisions so enumerated shall apply in accordance with their terms (as amended by this Act) to the provisions of the Agricultural Adjustment Act, this Act, and other provisions of law to which they have been heretofore made applicable. (June 3, 1937, sec. 5, 50 Stat. 249; 7 U. S. C., sec. 673, 673 note.)

630-28. Short title.—This Act may be cited as the "Agricultural Marketing Agreement Act of 1937." (June 3, 1937, sec. 6, 50 Stat.

249; 7 U.S.C., sec. 674, 674 note.)

RURAL ELECTRIFICATION

630-29. Rural Electrification Administration; Administrator; short title of law.—That there is hereby created and established an agency of the United States to be known as the "Rural Electrification Administration", all of the powers of which shall be exercised by an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of ten years, and who shall receive a salary of \$10,000 per year. This Act may be cited as the "Rural Electrification Act of 1936". (May 20, 1936, sec. 1, 49 Stat.

1363; 7 U. S. C., sec. 901 and 901 note.)

630-30. Loans by Administrator; investigations and reports.—The Administrator is authorized and empowered to make loans in the several States and Territories of the United States for rural electrification and the furnishing of electric energy to persons in rural areas who are not receiving central station service, as hereinafter provided; to make, or cause to be made, studies, investigations, and reports concerning the condition and progress of the electrification of rural areas in the several States and Territories; and to publish and disseminate information with respect thereto. (May 20, 1936, sec. 2, 49 Stat. 1363; 7 U. S. C., sec. 902.)

630-31. Funds of Administrator; loans by Reconstruction Finance Corporation to Administrator.—(a) The Reconstruction Finance Corporation is hereby authorized and directed to make loans to the Administrator, upon his request approved by the President, not exceeding in aggregate amount \$50,000,000 for the fiscal year ending June 30, 1937, and \$100,000,000 for the fiscal year ending June 30, 1939, with interest at 3 per centum per annum upon the security of the obligations of borrowers from the Administrator appointed pursuant to the provisions of this Act or from the Administrator of the Rural Electrification Administration established by Executive Order Number 7037:

Provided, That no such loan shall be in an amount exceeding 85 per centum of the principal amount outstanding of the obligations constituting the security therefor: And provided further, That such obligations incurred for the purpose of financing the construction and operation of generating plants, electric transmission and distribution lines, or systems shall be fully amortized over a period not to exceed twenty-five years, and that the maturity of such obligations incurred for the purpose of financing the wiring of premises and the acquisition and installation of electrical and plumbing appliances and equipment shall not exceed two-thirds of the assured life thereof and not more than five years. The administrator is hereby authorized to make all such endorsements, to execute all such instruments, and to do all such acts and things as shall be necessary to effect the valid transfer and assignment to the Reconstruction Finance Corporation of all such obligations.

Appropriations. (b) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1938, and for each of the eight years thereafter, the sum of \$40,000,000 for the purposes of this Act as here-

inafter provided.

Allotment of funds for loans in states. (c) Fifty per centum of the annual sums herein made available or appropriated for the purposes of this Act shall be allotted yearly by the Administrator for loans in the several States in the proportion which the number of their farms not then receiving central station electric service bears to the total number of farms of the United States not then receiving such service. The Administrator shall, within ninety days after the beginning of each fiscal year, determine for each State and for the United States the number of farms not then receiving such service.

Loans of unallotted funds. (d) The remaining 50 per centum of such annual sums shall be available for loans in the several States and in the Territories, without allotment as hereinabove provided, in such amounts for each State and Territory as, in the opinion of the Administrator, may be effectively employed for the purposes of this Act, and to carry out the provisions of section 7: Provided, however, That not more than 10 per centum of said unallotted annual sums may be

employed in any one State, or in all of the Territories.

Unexpended funds; limitation on loans by Reconstruction Finance Corporation. (e) If any part of the annual sums made available for the purposes of this Act shall not be loaned or obligated during the fiscal year for which such sums are made available, such unexpended or unobligated sums shall be avaliable for loans by the Administrator in the following year or years without allotment: Provided, however, That not more than 10 per centum of said sums may be employed in any one State or in all of the Territories: And provided further, That no loans shall be made by the Reconstruction Finance Corporation to the Administrator after June 30, 1939.

Disposition of payments on loans. (f) All moneys representing payments of principal and interest on loans made by the Administrator under this Act shall be covered into the Treasury as miscellaneous receipts, except that any such moneys representing payments of principal and interest on obligations constituting the security for loans made by the Reconstruction Finance Corporation to the Administrator

shall be paid to the Reconstruction Finance Corporation in payment of such loans. (May 20, 1936, sec. 3, 49 Stat. 1364; June 21, 1938, title IV, sec. 401, 52 Stat. 818; 7 U. S. C., sec. 903 (a) to (f) and note.)

[The act of June 21, 1938, cited to the text, in addition to amending subsections (a) and (e), provided in part as follows: "In making loans pursuant to this title and pursuant to the Rural Electrification Act of 1936, the Administrator of the Rural Electrification Administration shall require that, to the extent practicable and the cost of which is not unreasonable, the borrower agree to use in connection with the expenditure of such funds only such unmanufactured articles, materials, and supplies, as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case

may be, in the United States."

630-32. Loans by Administrator for electrical plants and transmission lines; preferences; consent of state authorities.—The Administrator is authorized and empowered, from the sums hereinbefore authorized, to make loans to persons, corporations, States, Territories, and subdivisions and agencies thereof, municipalities, peoples utility districts and cooperative nonprofit, or limited-dividend associations organized under the laws of any State or Territory of the United States, for the purpose of financing the construction and operation of generating plants, electric transmission and distribution lines or systems for the furnishing of electric energy to persons in rural areas who are not receiving central station service: Provided, however, That the Administrator, in making such loans, shall give preference to States, Territories, and subdivisions and agencies thereof, municipalities, peoples utility districts, and cooperative, nonprofit, or limited dividend associations, the projects of which comply with the requirements of this Act. Such loans shall be on such terms and conditions relating to the expenditure of the moneys loaned and the security therefor as the Administrator shall determine and may be made payable in whole or in part out of income: Provided, however, That all such loans shall be self-liquidating within a period of not to exceed twenty-five years, and shall bear interest at a rate equal to the average rate of interest payable by the United States of America on its obligations, having a maturity of ten or more years after the dates thereof, issued during the last preceding fiscal year in which any such obligations were issued: Provided further, That no loan for the construction, operation, or enlargement of any generating plant shall be made unless the consent of the State authority having jurisdiction in the premises is first obtained. Loans under this section and section 5 shall not be made unless the Administrator finds and certifies that in his judgment the security therefor is reasonably adequate and such loan will be repaid within the time agreed. (May 20, 1936, sec. 4, 49 Stat. 1365; 7 U.S. C., sec. 904.)

630-33. Loans for electrical and plumbing equipment; persons eligible for loans.—The Administrator is authorized and empowered, from the sums hereinbefore authorized, to make loans for the purpose of financing the wiring of the premises of persons in rural areas and the acquisition and installation of electrical and plumbing appliances and equipment. Such loans may be made to any of the borrowers of funds

loaned under the provisions of section 4, or to any person, firm, or corporation supplying or installing the said wiring, appliances, or equipment. Such loans shall be for such terms, subject to such conditions, and so secured as reasonably to assure repayment thereof, and shall be at a rate of interest equal to the average rate of interest payable by the United States of America on its obligations, having a maturity of ten or more years after the dates thereof, issued during the last preceding fiscal year in which any such obligations were issued. (May 20, 1936, sec. 5, 49 Stat. 1365; 7 U. S. C., sec. 905.)

630-34. Appropriations authorized.—For the purpose of administering this Act and for the purpose of making the studies, investigations, publications, and reports herein provided for, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as shall be necessary. May 20, 1936, sec.

6, 49 Stat. 1365; 7 U. S. C., sec. 906.)

630-35. Acquisition of property pledged for loans; disposition; sale of pledged property by borrower.—The Administrator is authorized and empowered to bid for and purchase at any foreclosure or other sale, or otherwise to acquire, property pledged or mortgaged to secure any loan made pursuant to this Act; to pay the purchase price and any costs and expenses incurred in connection therewith from the sums authorized in section 3 of this Act; to accept title to any property so purchased or acquired in the name of the United States of America; to operate or lease such property for such period as may be deemed necessary or advisable to protect the investment therein, but not to exceed five years after the acquisition thereof; and to sell such property so purchased or acquired, upon such terms and for such consideration as the Administrator shall determine to be reasonable.

No borrower of funds under section 4 shall, without the approval of the Administrator, sell or dispose of its property, rights, or franchises, acquired under the provisions of this Act, until any loan obtained from the Rural Electrification Administration, including all interest and charges, shall have been repaid. (May 20, 1936, sec. 7, 49 Stat. 1365;

7 U. S. C., sec. 907.)

630-36. Transfer of duties, functions and property of Administration created by executive order.—The administration of loans and contracts entered into by the Rural Electrification Administration established by Executive Order Numbered 7037, dated May 11, 1935, may be vested by the President in the Administrator authorized to be appointed by this Act; and in such event the provisions of this Act shall apply to said loans and contracts to the extent that said provisions are not inconsistent therewith. The President may transfer to the Rural Electrification Administration created by this Act the jurisdiction and control of the records, property (including office equipment), and personnel used or employed in the exercise and performance of the functions of the Rural Electrification Administration established by such Executive order. (May 20, 1936, sec. 8, 49 Stat. 1366; 7 U. S. C., sec. 908.)

630-37. Administration on nonpolitical basis; dismissal of officers or employees for violating provision.—This Act shall be administered entirely on a nonpartisan basis, and in the appointment of officials, the selection of employees, and in the promotion of any such officials or employees, no political test or qualification shall be permitted or given consideration, but all such appointments and promotions shall be given

and made on the basis of merit and efficiency. If the Administrator herein provided for is found by the President of the United States to be guilty of a violation of this section, he shall be removed from office by the President, and any appointee or selection of officials or employees made by the Administrator who is found guilty of a violation of this Act shall be removed by the Administrator. (May 20, 1936, sec. 9, 49 Stat. 1366; 7 U. S. C., sec. 909.)

630-38. Annual report of Administrator.—The Administrator shall present annually to the Congress not later than the 20th day of January in each year a full report of his activities under this Act. (May

20, 1936, sec. 10, 49 Stat. 1366; 7 U.S. C., sec. 910.)

630-39. Acceptance of services of federal or state officers; application of civil service laws; expenditures for supplies and equipment.—In order to carry out the provisions of this Act the Administrator may accept and utilize such voluntary and uncompensated services of Federal, State, and local officers and employees as are available, and he may without regard to the provisions of civil-service laws applicable to officers and employees of the United States appoint and fix the compensation of attorneys, engineers, and experts, and he may, subject to the civilservice laws, appoint such other officers and employees as he may find necessary and prescribe their duties. The Administrator is authorized, from sums appropriated pursuant to section 6, to make such expenditures (including expenditures for personal services; supplies and equipment; lawbooks and books of reference; directories and periodicals; travel expenses; rental at the seat of government and elsewhere; the purchase, operation, or maintenance of passenger-carrying vehicles; and printing and binding) as are appropriate and necessary to carry out the provisions of this Act. (May 20, 1936, sec. 11, 49 Stat. 1366; 7 U. S. C., sec. 911.)

630-40. Extension of time for repayment of loans.—The Administrator is authorized and empowered to extend the time of payment of interest or principal of any loans made by the Administrator pursuant to this Act: Provided, however, That with respect to any loan made under section 4, the payment of interest or principal shall not be extended more than five years after such payment shall have become due, and with respect to any loan made under section 5, the payment of principal or interest shall not be extended more than two years after such payment shall have become due: And provided further, That the provisions of this section shall not apply to any obligations or the security therefor which may be held by the Reconstruction Finance Corporation under the provisions of section 3. (May 20, 1936, sec. 12, 49 Stat.

1366; 7 U. S. C., sec. 912.)

630-41. Definitions.—As used in this Act the term "rural area" shall be deemed to mean any area of the United States not included within the boundaries of any city, village, or borough having a population in excess of fifteen hundred inhabitants, and such term shall be deemed to include both the farm and nonfarm population thereof; the term "farm" shall be deemed to mean a farm as defined in the publications of the Bureau of the Census; the term "person" shall be deemed to mean any natural person, firm, corporation, or association; the term "Territory" shall be deemed to include any insular possession of the United States. (May 20, 1936, sec. 13, 49 Stat. 1367; 7 U. S. C., sec. 913.)

630-42. Separability clause.—If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby. (May 20, 1936, sec. 14, 49 Stat. 1367; 7 U. S. C., sec. 914.)

PEANUT STATISTICS

630-43. Collection and publication; facts required; submission of report.—That the Secretary of Agriculture is hereby authorized and directed to collect and publish statistics of raw peanuts, shelled, unshelled, and crushed, and peanut oil, in the United States, received. processed, shipped, and owned by or in the possession of warehousemen, brokers, cleaners, shellers, dealers, growers' cooperative associations, crushers, salters, manufacturers of peanut products, and owners other than the original producers of peanuts: Provided, That the Secretary may, in his discretion, omit for any period of time to collect such statistics from any or all salters of peanuts or manufacturers of peanut products who used, during the calendar year preceding that for which statistics are being collected, less than thirty thousand pounds of shelled and unshelled peanuts. Such statistics shall show the quality of peanuts in such details as to kinds—Virginias, Runners, Spanish, and imported varieties—as the Secretary shall deem necessary for the purposes of this Act. All reports except those required from persons owning or operating peanut picking or threshing machines shall be submitted monthly in each year. (June 24, 1936, sec. 1, 49 Stat. 1898; May 12, 1938, sec. 1, 52 Stat. 348; 7 U. S. C., sec. 951.)

630-44. Same; quantity picked or threshed.—The Secretary is hereby authorized and directed to collect and publish statistics of the quantity of peanuts picked or threshed by any person owning or operating peanut picking or threshing machines. (June 24, 1936, sec. 2, 49 Stat. 1899; May 12, 1938, sec. 2, 52 Stat. 349; 7 U. S. C., sec. 952.)

630-45. Reports; necessity; by whom made; penalties.—It shall be the duty of every warehouseman, broker, cleaner, sheller, dealer, growers' cooperative association, crusher, salter, manufacturer of peanut products, and owner or operator of peanut picking or threshing machines to furnish promptly upon request of the Secretary, within the time prescribed by him, completely and correctly to the best of his knowledge, a report of the quantity of peanuts and peanut oil received, processed, shipped, and owned by or on hand and in the case of an operator of peanut picking and threshing machines the quantity picked or threshed, segregating in accordance with forms furnished for the purpose by the Secretary. Any person required by this Act, or the regulations promulgated thereunder, to furnish reports or information, and any officer, agent, or employee thereof who shall refuse or willfully give answers that are false and misleading, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$300 nor more than \$1,000, or imprisoned not more than one year, or to* be subject to both such fine and imprisonment. (June 24, 1936, sec. 3, 49 Stat. 1899; May 12, 1938, sec. 3, 52 Stat. 349; 7 U. S. C., sec. 953.)

630-46. Secretary of Agriculture authorized to promulgate grades and standards.—The Secretary is hereby authorized to establish and pro-

^{*}So in original.

mulgate grades and standards for the classification of peanuts, whenever in his discretion he may see fit. (June 24, 1936, sec. 4; 49 Stat.

1899; 7 U. S. C., sec. 954.)

630-47. Limitation on use of information acquired.—That the information furnished under the provisions of this Act shall be used only for the statistical purposes for which it is supplied. No publication shall be made by the Secretary whereby the data furnished by any person can be identified, nor shall the Secretary permit anyone other than the sworn employees of the Department of Agriculture to examine the individual reports. (June 24, 1936, sec. 5; 49 Stat. 1899; 7 U. S. C.,

sec. 955.)

630-48. Rules and regulations; cooperation with departments, etc.; officers and employees; expenses of administration; appropriation.—The Secretary may make rules and regulations as may be necessary in the administration of this Act and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and shall have the power to appoint, remove, and fix the compensation of such officers and employees not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, binding, telegrams, telephones, law books, books of reference, publications, furniture, stationery, office equipment, travel, and other supplies and expenses, including reporting services, as shall be necessary to the administration of this Act in the District of Columbia and elsewhere, and as may be appropriated for by Congress; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for such purpose. (June 24, 1936, sec. 6; 49 Stat. 1899; 7 U. S. C., sec. 956.)

630-49. Definitions.—That when used in this Act—

(1) The term "person" includes individuals, partnerships, corporations, and associations:

(2) The term "Secretary" means the Secretary of Agriculture.

(June 24, 1936, sec. 7, 49 Stat. 1899; 7 U. S. C., sec. 957.)

FARM TENANCY

630-50. Title.—That this Act may be cited as "The Bankhead-Jones Farm Tenant Act". (July 22, 1937, 50 Stat. 522; 7 U. S. C., sec.

1000.)

630-51. Farm acquirement loans; power of Secretary of Agriculture; persons eligible.—(a) The Secretary of Agriculture (hereinafter referred to as the "Secretary") is authorized to make loans in the United States and in the Territories of Alaska and Hawaii and in Puerto Rico to persons eligible to receive the benefits of this title to

enable such persons to acquire farms.

(b) Only farm tenants, farm laborers, sharecroppers, and other individuals who obtain, or who recently obtained, the major portion of their income from farming operatons shall be eligible to receive the benefits of this title. In making available the benefits of this title, the Secretary shall give preference to persons who are married, or who have dependent families, or, wherever practicable, to persons who are able to make an initial down payment, or who are owners of livestock and farm implements necessary successfully to carry on

farming operations. No person shall be eligible who is not a citizen

of the United States.

(c) No loan shall be made for the acquisition of any farm unless it is of such size as the Secretary determines to be sufficient to constitute an efficient farm-management unit and to enable a diligent farm family to carry on successful farming of a type which the Secretary deems can be successfully carried on in the locality in which the farm is situated. (July 22, 1937, Title I, sec. 1, 50 Stat. 522; 7 U. S. C., sec. 1001.)

630-52. Same; examination, appraisal, and certification by County Committee.—(a) The County Committee established under section 42

shall—

(1) Examine applications (filed with the county agent in the county, or with such other person as the Secretary may designate) of persons desiring to finance the acquisition of farms in the county by means of a loan from the Secretary under this title.

(2) Examine and appraise farms in the county with respect to

which an application for a loan is made.

(b) If the committee finds that an applicant is eligible to receive the benefits of this title, that by reason of his character, ability, and experience he is likely successfully to carry out undertakings required of him under a loan which may be made under this title, and that the farm with respect to which the application is made is of such character that there is a reasonable likelihood that the making of a loan with respect thereto will carry out the purposes of this title, it shall so certify to the Secretary. The committee shall also certify to the Secretary the amount which the committee finds is the reasonable value of the farm.

(c) No certification under this section shall be made with respect to any farm in which any member of the committee or any person related to such member within the third degree of consanguinity or affinity has any property interest, direct or indirect, or in which they or either of them have had such interest within one year prior to the

date of certification.

(d) No loan shall be made to any person or with respect to any farm unless certification as required under this section has been made with respect to such person and such farm by the committee. (July

22, 1937, Title I, sec. 2, 50 Stat. 523; 7 U. S. C., sec. 1002.)

630-53. Same; terms of loans.—(a) Loans made under this title shall be in such amount (not in excess of the amount certified by the County Committee to be the value of the farm) as may be necessary to enable the borrower to acquire the farm and for necessary repairs and improvements thereon, and shall be secured by a first mortgage or deed of trust on the farm.

(b) The instruments under which the loan is made and security

given therefor shall—

(1) Provide for the repayment of the loan within an agreed period of not more than forty years from the making of the loan.

(2) Provide for the payment of interest on the unpaid bal-

ance of the loan at the rate of 3 per centum per annum.

(3) Provide for the repayment of the unpaid balance of the loan, together with interest thereon, in installments in accordance with amortization schedules prescribed by the Secretary.

(4) Be in such form and contain such covenants as the Secretary shall prescribe to secure the payment of the unpaid balance of the loan, together with interest thereon, to protect the security, and to assure that the farm will be maintained in repair, and waste and exhaustion of the farm prevented, and that such proper farming practices as the Secretary shall prescribe will be carried out.

(5) Provide that the borrower shall pay taxes and assessments on the farm to the proper taxing authorities, and insure and

pay for insurance on farm buildings.

(6) Provide that upon the borrower's assigning, selling, or otherwise transferring the farm, or any interest therein, without the consent of the Secretary, or upon default in the performance of, or upon any failure to comply with, any covenant or condition contained in such instruments, or upon involuntary transfer or sale, the Secretary may declare the amount unpaid immediately due and payable, and that, without the consent of the Secretary, no final payment shall be accepted, or release of the Secretary's interest be made, less than five years after the making of the loan.

(c) Except as provided in paragraph (6) of subsection (b), no instrument provided for in this section shall prohibit the prepayment of

any sum due under it.

(d) No provision of section 75, as amended, of the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898 (U. S. C., 1934 ed., title 11, sec. 203; Supp. II, title 11, sec. 203), otherwise applicable in respect of any indebtedness incurred under this title by any beneficiary thereof, shall be applicable in respect of such indebtedness until such beneficiary has repaid at least 15 per centum thereof. (July 22, 1937, Title I, sec. 3, 50 Stat. 523; 7 U. S. C., sec. 1003.)

630-54. Same; equitable distribution of loans.—In making loans under this title, the amount which is devoted to such purpose during any fiscal year shall be distributed equitably among the several States and Territories on the basis of farm population and the prevalence of tenancy, as determined by the Secretary. (July 22, 1937, Title I,

sec. 4, 50 Stat. 524; 7 U. S. C., sec. 1004.)

630-55. Same; avoidance of production expansion.—In carrying out this title, the Secretary shall give due consideration to the desirability of avoiding the expansion of production for market of basic commodities where such expansion would defeat the policy of Congress as set forth in section 7 (a) (5) of the Soil Conservation and Domestic Allotment Act, as amended, and shall, so far as practicable, assist beneficiaries of the program under this title to become established upon lands now in cultivation. (July 22, 1937, Title I, sec. 5, 50 Stat. 524; 7 U. S. C., sec. 1005.)

630-56. Same; appropriation authorization.—To carry out the provisions of this title, there is authorized to be appropriated not to exceed \$10,000,000 for the fiscal year ending June 30, 1938, not to exceed \$25,000,000 for the fiscal year ending June 30, 1939, and not to

exceed \$50,000,000 for each fiscal year thereafter. Not more than 5 per centum of the sums appropriated for any fiscal year in pursuance of this section shall be available for administrative expenses in carrying out this title during such fiscal year. (July 22, 1937, Title

I, sec. 6, 50 Stat. 524; 7 U. S. C., sec. 1006.)

630-57. Rehabilitation loans; terms; borrowers.—(a) Out of the funds made available under section 23, the Secretary shall have power to make loans to eligible individuals for the purchase of livestock, farm equipment, supplies, and for other farm needs (including minor improvements and minor repairs to real property), and for the refinancing of indebtedness, and for family subsistence.

(b) Loans made under this section shall bear interest at a rate not in excess of 3 per centum per annum, and shall have maturities not in excess of five years, and may be renewed. Such loans shall be payable in such installments as the Secretary may provide in the loan agreement. All loans made under this title shall be secured by a chattel mortgage, a lien on crops, and an assignment of proceeds from the sale of agricultural products, or by any one or more of the foregoing.

(c) Only farm owners, farm tenants, farm laborers, sharecroppers, and other individuals who obtained, or who recently obtained, the major portion of their income from farming operations, and who cannot obtain credit on reasonable terms from any federally incorporated lending institution, shall be eligible for loans under this section. (July 22, 1937, Title II, sec. 21, 50 Stat. 524; 7 U. S. C.,

sec. 1007.)

630-58. Same: debt adjustment.—The Secretary shall have power to assist in the voluntary adjustment of indebtedness between farm debtors and their creditors and may cooperate with and pay the whole or part of the expenses of State, Territorial, and local agencies and committees engaged in such debt adjustment. He is also authorized to continue and carry out undertakings with respect to farm debt adjustment uncompleted at the time when appropriations for the purpose of this section are first available. Services furnished by the Secretary under this section shall be without charge to the debtor or creditor. (July 22, 1937, Title II, sec. 22, 50 Stat. 525; 7 U. S. C., sec. 1008.)

630-59. Same; appropriation.—(a) For the fiscal year ending June 30, 1938, the balances of funds available to the Secretary for loans and relief to farmers, pursuant to Executive Order Numbered 7530 of December 31, 1936, as amended by Executive Order Numbered 7557 of February 19, 1937, which are unexpended on June 30, 1937, are authorized to be appropriated to carry out the provisions of this

title.

(b) The President is authorized to allot to the Secretary, out of appropriations made for relief or work relief for any fiscal year ending prior to July 1, 1939, such sums as he determines to be necessary to carry out the provisions of this title and to enable the Secretary to carry out such other forms of rehabilitation of individuals eligible under this title to receive loans as may be authorized by law and designated in the Executive order directing the allotment. (July 22, 1937, Title II, sec. 23, 50 Stat. 525; 7 U. S. C., sec. 1009.)

630-60. Retirement of submarginal lands.—The Secretary is authorized and directed to develop a program of land conservation and land utilization, including the retirement of lands which are submarginal or not primarily suitable for cultivation, in order thereby to correct maladjustments in land use, and thus assist in controlling soil erosion, reforestation, preserving natural resources, mitigating floods, preventing impairment of dams and reservoirs, conserving surface and subsurface moisture, protecting the watersheds of navigable streams, and protecting the public lands, health, safety, and welfare. (July 22, 1937, Title III, sec. 31, 50 Stat. 525; 7 U. S. C., sec. 1010.)

630-61. Same; powers of Secretary of Agriculture.—To effectuate the program provided for in section 31, the Secretary is authorized—

(a) To acquire by purchase, gift, or devise, or by transfer from any agency of the United States or from any State, Territory, or political subdivision, submarginal land and land not primarily suitable for cultivation, and interests in and options on such land. Such property may be acquired subject to any reservations, outstanding estates, interests, easements, or other encumbrances which the Secretary determines will not interfere with the utilization of such property for the purposes of this title.

(b) To protect, improve, develop, and administer any property so acquired and to construct such structures thereon as may be necessary

to adapt it to its most beneficial use.

(c) To sell, exchange, lease, or otherwise dispose of, with or without a consideration, any property so acquired, under such terms and conditions as he deems will best accomplish the purposes of this title, but any sale, exchange, or grant shall be made only to public authorities and agencies and only on condition that the property is used for public purposes. The Secretary may recommend to the President other Federal, State, or Territorial agencies to administer such property, together with the conditions of use and administration which will best serve the purposes of a land-conservation and land-utilization program, and the President is authorized to transfer such property to such agencies.

(d) With respect to any land, or any interest therein, acquired by, or transferred to, the Secretary for the purposes of this title, to make dedications or grants, in his discretion, for any public purpose, and to grant licenses and easements upon such terms as he deems reasonable.

(e) To cooperate with Federal, State, Territorial, and other public agencies in developing plans for a program of land conservation and land utilization, to conduct surveys and investigations relating to conditions and factors affecting, and the methods of accomplishing most effectively, the purposes of this title, and to disseminate informa-

tion concerning these activities.

(f) To make such rules and regulations as he deems necessary to prevent trespasses and otherwise regulate the use and occupancy of property acquired by, or transferred to, the Secretary for the purposes of this title, in order to conserve and utilize it or advance the purposes of this title. Any violation of such rules and regulations shall be punished as prescribed in section 5388 of the Revised Statutes, as amended (U. S. C., 1934 ed., title 18, sec. 104). (July 22, 1937, Title III, sec. 32, 50 Stat. 525; 7 U. S. C., sec. 1011.)

630-62. Same; payments to counties.—As soon as practicable after the end of each calendar year, the Secretary shall pay to the county in which any land is held by the Secretary under this title, 25 per centum of the net revenues received by the Secretary from the use of the land during such year. In case the land is situated in more than one county, the amount to be paid shall be divided equitably among the respective counties. Payments to counties under this section shall be made on the condition that they are used for school or road purposes, or both. This section shall not be construed to apply to amounts received from the sale of land. (July 22, 1937, Title III, sec. 33, 50 Stat. 526; 7 U. S. C., sec. 1012.)

630-63. Same; appropriation.—To carry out the provisions of this title, there is authorized to be appropriated not to exceed \$10,000,000 for the fiscal year ending June 30, 1938, and not to exceed \$20,000,000 for each of the two fiscal years thereafter. (July 22, 1937, Title III,

sec. 34, 50 Stat. 526; 7 U. S. C., sec. 1013.)

630-64. Farmers' Home Corporation.—Establishment; location.—(a) There is hereby created as an agency, of and within the Department of Agriculture, a body corporate with the name "Farmers' Home Corporation" (in this Act called the Corporation). The principal office of the Corporation shall be located in the District of Columbia, but there may be established agencies or branch offices elsewhere in the United States under rules and regulations prescribed by the Board of Directors.

Delegation of power by Secretary of Agriculture. (b) The Secretary shall have power to delegate to the Corporation such powers and duties conferred upon him under title I or title II, or both, and such powers under title IV as relate to the exercise of the powers and duties so delegated, as he deems may be necessary to the efficient carrying out of the purposes of such titles and may be executed by the Corporation, and to transfer to the Corporation such funds available for such purposes as he deems necessary. In connection with and in the exercise of such powers and duties so delegated, all provisions of this Act relating to the powers and duties of, and limitations upon, the Secretary shall apply to the Corporation in the same manner as to the Secretary, and the term "Secretary" shall be construed to include "Corporation".

Capital stock. (c) The Corporation shall have a nominal capital stock in an amount determined and subscribed for by the Secretary. Receipts for payments for or on account of such stock shall be issued by the Corporation to the Secretary and shall be evidence of the stock

ownership of the United States.

Board of directors; personnel; quorum; compensation; expenses. (d) The management of the Corporation shall be vested in a board of directors (in this Act called the Board) subject to the general supervision of the Secretary. The Board shall consist of three persons employed in the Department of Agriculture who shall be designated by the Secretary. Vacancies in the Board, so long as there are two members in office, shall not impair the powers of the Board to execute its functions and two of the members in office shall constitute a quorum for the transaction of business. The directors, appointed as hereinbefore provided, shall receive no additional compensation for their

services as such directors but may be allowed travel and subsistence expenses when engaged in business of the Corporation outside of the

District of Columbia.

Selection of administrator. (e) The Board may select, subject to the approval of the Secretary, an administrator, who shall be the executive officer of the Corporation, with such power and authority as may be conferred upon him by the Board.

Powers of corporation. (f) The Corporation—
(1) Shall have succession in its corporate name;

(2) May adopt, alter, and use a corporate seal, which shall be judi-

cially noticed;

(3) May sue and be sued in its corporate name in any court of competent jurisdiction, State or Federal: *Provided*, That the prosecution and defense of all litigation to which the Corporation may be a party shall be conducted under the supervision of the Attorney General, and the Corporation shall be represented by the United States Attorneys for the districts, respectively, in which such litigation may arise, or by such other attorney or attorneys as may, under the law, be designated by the Attorney General: *And provided further*, That no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Corporation or its property;

(4) May adopt, amend, and repeal bylaws, rules, and regulations governing the manner in which its business may be conducted and the

powers vested in it may be exercised and enjoyed;

(5) Shall be entitled to the free use of the United States mails in

the same manner as other executive agencies of the Government;

(6) Shall have such powers as may be necessary or appropriate for the exercise of the powers vested in the Corporation (including, but subject to the limitations of this Act, the power to make contracts, and to purchase or lease, and to hold or dispose of, such real and personal property as it deems necessary) and all such incidental powers as are customary in corporations generally. The Board shall define the authority and duties of the officers and employees of the Corporation, delegate to them such of the powers vested in the Corporation as it may determine, and require bonds of such of them as it may designate and fix the penalties and pay the premiums of such bonds.

Compensation to injured employees. (g) Insofar as applicable, the benefits of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7,

1916, as amended, shall extend to employees of the Corporation.

Deposit of monies. (h) All money of the Corporation not otherwise employed may be deposited with the Treasurer of the United States or in any bank approved by the Secretary of the Treasury, subject to withdrawal by the Corporation at any time, or with the approval of the Secretary of the Treasury may be invested in obligations of the United States. Subject to the approval of the Secretary of the Treasury, the Federal Reserve banks are hereby authorized and directed to act as depositories, custodians, and fiscal agents for the Corporation in the performance of its powers.

Tax exemption. (i) The Corporation, including its franchises, its capital, reserves, and surplus and its income and property shall, ex-

cept as otherwise provided in section 50 (a), be exempt from all taxation now or hereafter imposed by the United States or any State,

Territory, District, dependency, or political subdivision.

Records; annual report. (j) The Corporation shall at all times maintain complete and accurate books of account and shall file annually with the Secretary a complete report as to the business of the Corporation. (July 22, 1937, Title IV, sec. 40, 50 Stat. 527; 7 U. S. C., sec. 1014 (a) to (j).)

630-65. Powers of Secretary of Agriculture.—For the purposes of this

Act, the Secretary shall have power to-

(a) Appoint (without regard to the civil-service laws and regulations) and fix the compensation of such officers and employees as may be necessary. No person (except as to positions requiring technical training and experience for which no one possessing the requisite technical training and experience is available within the area) shall be appointed or transferred under this Act to any position in an office in a State or Territory the operations of which are confined to such State or Territory or a portion thereof, or in a regional office outside the District of Columbia the operations of which extend to more than one, or portions of more than one, State or Territory, unless such person has been an actual and bona-fide resident of the State or Territory, or region, as the case may be, in which such office is located, for a period of not less than one year next preceding the appointment or transfer to such position (disregarding periods of residence outside such State or Territory, or region, as the case may be, while in the Federal Government service). If the operations of the office are confined to a portion of a single State or Territory, the Secretary in making appointments or transfers to such office shall, except in the classes of cases exempted from the preceding sentence, appoint or transfer only persons who are residents of such portion of the State or Territory: Provided, That hereafter, wherever practicable, all appointments of persons to the Federal service for employment within the District of Columbia, under the provisions of this Act, whether such appointments be within the classified civil service or otherwise, shall be apportioned among the several States and the District of Columbia upon the basis of population as ascertained at the last preceding census.

(b) Accept and utilize voluntary and uncompensated services, and, with the consent of the agency concerned, utilize the officers, employees, equipment, and information of any agency of the Federal Government,

or of any State, Territory, or political subdivision.

(c) Within the limits of appropriations made therefor, make necessary expenditures for personal services and rent at the seat of government and elsewhere; contract stenographic reporting services; purchase and exchange of supplies and equipment, law books, books of reference, directories, periodicals, newspapers, and press clippings; travel and subsistence expenses, including the expense of attendance at meetings and conferences; purchase, operation, and maintenance, at the seat of government and elsewhere, of motor-propelled passenger-carrying and other vehicles; printing and binding; and for such other facilities and services as he may from time to time find necessary for the proper administration of this Act.

(d) Make contracts for services and purchases of supplies without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., 1934 ed., title 41, sec. 5) when the aggregate amount involved is less than \$300.

(e) Make payments prior to audit and settlement by the General

Accounting Office.

(f) Acquire land and interests therein without regard to section 355 of the Revised Statutes, as amended. This subsection shall not apply with respect to the acquisition of land or interests in land under title III.

(g) Compromise claims and obligations arising under, and adjust and modify the terms of mortgages, leases, contracts, and agreements entered into pursuant to, this Act, as circumstances may require.

(h) Collect all claims and obligations arising under this Act, or under any mortgage, lease, contract, or agreement entered into pursuant to this Act, and, if in his judgment necessary and advisable, to pursue the same to final collection in any court having jurisdiction: *Provided*, That the prosecution and defense of all litigation under this Act shall be conducted under the supervision of the Attorney General, and the legal representation shall be by the United States Attorneys for the districts, respectively, in which such litigation may arise, or by such other attorney or attorneys as may, under the law, be designated by the Attorney General.

(i) Make such rules and regulations as he deems necessary to carry out this Act. (July 22, 1937, Title IV, sec. 41, 50 Stat. 528; 7 U. S. C.,

sec. 1015.)

630-66. County Committee; appointments; compensation; meetings; duties.—(a) The Secretary is authorized and directed to appoint in each county in which activities are carried on under title I a county

committee composed of three farmers residing in the county.

(b) Each member of the committee shall be allowed compensation at the rate of \$3 per day while engaged in the performance of duties under this Act but such compensation shall not be allowed with respect to more than five days in a month. In addition, they shall be allowed such amounts as the Secretary may prescribe for necessary traveling

and subsistence expenses.

(c) The committee shall meet on the call of the county agent in the county, or on the call of such other person as the Secretary may designate. Two members of the committee shall constitute a quorum. The Secretary shall prescribe rules governing the procedure of the committees, furnish forms and equipment necessary for the performance of their duties, and authorize and provide for the compensation of such clerical assistants as he deems may be required by any committee.

(d) Committees established under this Act shall, in addition to the duties specifically imposed under this Act, perform such other duties under this Act as the Secretary may require of them. (July 22, 1937,

Title IV, sec. 42, 50 Stat. 529; 7 U. S. C., sec. 1016.)

630-67. Completion of resettlement projects.—The Secretary is authorized to continue to perform such of the functions vested in him pursuant to Executive Order Numbered 7530 of December 31, 1936, as amended by Executive Order Numbered 7557 of February 19, 1937, and pursuant to Public Act Numbered 845, approved June 29, 1936 (49)

Stat. 2035), as shall be necessary only for the completion and administration of those resettlement projects, rural rehabilitation projects for resettlement purposes, and land development and land utilization projects, for which funds have been allotted by the President, and the balances of funds available to the Secretary for said purposes which are unexpended on June 30, 1937, are authorized to be appropriated to carry out said purposes: *Provided*, That any land held by the United States under the supervision of the Secretary pursuant to said Executive orders may where suitable be utilized for the purposes of title I of this Act, and the Secretary may sell said land and make loans for the necessary improvement thereof to such individuals and upon such terms as shall be in accordance with the provisions of said title. (July 22, 1937, Title IV, sec. 43, 50 Stat. 530; 7 U. S. C., sec. 1017.)

630-68. Reservation of mineral rights.—The sale or other disposition of any real property acquired by the Secretary pursuant to the provisions of this Act, or any interest therein, shall be subject to the reservation by the Secretary on behalf of the United States of not less than an undivided three-fourths of the interest of the United States in all coal, oil, gas, and other minerals in or under such property. (July 22,

1937, Title IV, sec. 44, 50 Stat. 530; 7 U. S. C., sec. 1018.)

630-69. Transfer of available lands.—The President may at any time in his discretion transfer to the Secretary or the Corporation any right, interest, or title held by the United States, and under the supervision of the Secretary, in any land which the President shall find suitable for the purposes of this Act, and the Secretary or the Corporation, as the case may be, may use and dispose of such land in such manner, and subject to such terms and conditions, as the President determines will best carry out the objectives of this Act. (July 22, 1937, Title IV, sec. 45, 50 Stat. 530; 7 U. S. C., sec. 1019.)

630-70. Transactions with private corporations.—Nothing in this Act shall be construed to authorize the making of any loan, or the sale or other disposition of real property or any interest therein, to any private corporation, for farming purposes. (July 22, 1937, Title IV, sec. 46,

50 Stat. 530; 7 U.S. C., sec. 1020.)

630-71. Surveys and research.—The Secretary is authorized to conduct surveys, investigations, and research relating to the conditions and factors affecting, and the methods of accomplishing most effectively, the purposes of this Act, and may publish and disseminate information pertinent to the various aspects of his activities. (July 22, 1937, Title IV, sec. 47, 50 Stat. 531; 7 U. S. C., sec. 1021.)

630–72. Variable payments on obligations.—The Secretary may provide for the payment of any obligation or indebtedness to him under this Act under a system of variable payments under which a surplus above the required payment will be collected in periods of abovenormal production or prices and employed to reduce payments below the required payment in periods of subnormal production or prices. (July 22, 1937, Title IV, sec. 48, 50 Stat. 531; 7 U. S. C., sec. 1022.)

630-73. Set-off.—No set-off shall be made against any payment to be made by the Secretary to any person under the provisions of this Act, by reason of any indebtedness of such person to the United States, and no debt due to the Secretary under the provisions of this Act shall be set off against any payments owing by the United States, unless the

Secretary shall find that such set-off will not adversely affect the objectives of this Act. (July 22, 1937, Title IV, sec. 49, 50 Stat. 531;

7 U. S. C., sec. 1023.)

630-74. Taxation.—(a) All property which is being utilized to carry out the purposes of title I or title II of this Act (other than property used solely for administrative purposes) shall, notwithstanding that legal title to such property remains in the Secretary or the Corporation, be subject to taxation by the State, Territory, District, dependency, and political subdivision concerned, in the same manner and to the same extent as other similar property is taxed.

(b) All property to which subsection (a) of this section is inapplicable which is held by the Secretary or the Corporation pursuant to this Act shall be exempt from all taxation now or hereafter imposed by the United States or any State, Territory, District, dependency, or political subdivision, but nothing in this subsection shall be construed as affecting the authority or duty of the Secretary under any other law to make payments in respect of any such property in lieu of taxes. (July 22, 1937, Title IV, sec. 50, 50 Stat. 531; 7 U. S. C., sec. 1024.)

630-75. Purchase at foreclosure sale.—The Secretary is authorized and empowered to bid for and purchase at any foreclosure or other sale, or otherwise to acquire property pledged or mortgaged to secure any loan or other indebtedness owing under this Act; to accept title to any property so purchased or acquired; to operate or lease such property for such period as may be deemed necessary or advisable to protect the investment therein; and to sell or otherwise dispose of such property so purchased or acquired upon such terms and for such considerations as the Secretary shall determine to be reasonable, but subject to the reservation of the rights provided for in section 44. (July 22, 1937, Title IV, sec. 51, 50 Stat. 531; 7 U. S. C., sec. 1025.)

630-76. Penalties.—(a) Whoever makes any material representation, knowing it to be false, for the purpose of influencing in any way the action of the Corporation upon any application, advance, discount, purchase, or repurchase agreement, contract of sale, lease, or loan, or any change or extension of any of the same by renewal, deferment of action or otherwise, or the acceptance, release, or substitution of security therefor, shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than two years, or both.

(b) Whoever, being connected in any capacity with the Corporation, (1) embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to the Corporation or pledged or otherwise entrusted to it; or (2) with intent to defraud the Corporation, or any other body politic or corporate, or any individual, or to deceive, any officer, auditor, or examiner of the Corporation, makes any false entry in any book, report, or statement of, or to, the Corporation or draws any order, or issues, puts forth, or assigns any note or other obligation or draft, mortgage, judgment, or decree thereof; or (3) with intent to defraud the Corporation, participates or shares in or receives directly or indirectly any money, profit, property, or benefits through any transaction, loan, commission contract, or any other act of the Corporation, shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than five years, or both.

(c) Whoever willfully shall conceal, remove, dispose of, or convert to his own use or to that of another, any property mortgaged or pledged to, or held by, the Corporation, as security for any obligation, shall be punished by a fine of not more than \$5,000 or by

imprisonment for not more than two years, or both.

(d) The provisions of sections 112, 113, 114, 115, 116, and 117 of the Criminal Code of the United States (U. S. C., title 18, secs. 202–207, inclusive), insofar as applicable, are extended to apply to contracts or agreements of the Corporation, which for the purposes hereof shall be held to include advances, loans, discounts, purchase and repurchase agreements, contracts of sale, and leases; extensions and renewals thereof; and acceptances, releases, and substitutions of security therefor.

(e) Whoever conspires with another to accomplish any of the acts made unlawful by the preceding provisions of this section shall, on conviction thereof, be subject to the same fine or imprisonment, or both, as is applicable in the case of conviction for doing such unlawful act. (July 22, 1937, Title IV, sec. 52, 50 Stat. 531; 7 U. S. C.,

sec. 1026.)

630-77. Fees and commissions.—No Federal officer, attorney, or employee shall, directly or indirectly, be the beneficiary of or receive any fee, commission, gift, or other consideration for or in connection with any transaction or business under this Act other than such salary, fee, or other compensation as he may receive as such officer, attorney, or employee. No member of a county committee established under section 42 shall knowingly make or join in making any certification prohibited by section 2 (c). Any person violating any provision of this section shall, upon conviction thereof, be punished by a fine of not more than \$1,000 or imprisonment for not more than one year, or both. (July 22, 1937, Title IV, sec. 53, 50 Stat. 532; 7 U. S. C., sec. 1027.)

630-78. Application to Territories.—The provisions of this Act shall extend to the Territories of Alaska and Hawaii and to Puerto Rico. In the case of Alaska and Puerto Rico the term "county" as used in this Act shall be deemed synonymous with the Territory, or any subdivision thereof as may be designated by the Secretary, and payments under section 33 of this Act shall be made to the Governor of the Territory or to the fiscal agent of such subdivision. (July 22,

1937, Title IV, sec. 54, 50 Stat. 532; 7 U. S. C., sec. 1028.)

630-79. Separability.—If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby. (July 22, 1937, Title IV, sec. 55, 50 Stat. 533; 7 U. S. C., sec. 1029.)

SUGAR PRODUCTION AND CONTROL

630-80. Short title.—That this Act may be cited as the Sugar Act of 1937. (Sept. 1, 1937, sec. 1, 50 Stat. 903; 7 U. S. C., sec. 1100.)
630-81. Definitions.—For the purposes of this Act, except title IV—

(a) The term "person" means an individual, partnership, corporation, or association.

(b) The term "sugars" means any grade or type of saccharine product derived from sugarcane or sugar beets, which contains sucrose, dextrose, or levulose.

(c) The term "sugar" means raw sugar or direct-consumption

(d) The term "raw sugar" means any sugars which are principally of crystalline structure and which are to be further refined or improved in quality, and any sugars which are principally not of crystalline structure but which are to be further refined or otherwise improved in quality to produce any sugars principally of crystalline structure.

(e) The term "direct-consumption sugar" means any sugars which are principally of crystalline structure and which are not to be fur-

ther refined or otherwise improved in quality.

(f) The term "liquid sugar" means any sugars (exclusive of sirup of cane juice produced from sugarcane grown in continental United States) which are principally not of crystalline structure and which contain, or which are to be used for the production of any sugars principally not of crystalline structure which contain, soluble nonsugar solids (excluding any foreign substances that may have been added) equal to 6 per centum or less of the total soluble solids.

(g) Sugars in dry amorphous form shall be considered to be prin-

cipally of crystalline structure.

(h) The "raw value" of any quantity of sugars means its equivalent in terms of ordinary commercial raw sugar testing ninety-six sugar degrees by the polariscope, determined in accordance with regulations to be issued by the Secretary. The principal grades and types of sugar and liquid sugar shall be translated into terms of raw value in the following manner:

(1) For direct-consumption sugar, derived from sugar beets and testing ninety-two or more sugar degrees by the polariscope, by multiplying the number of pounds thereof by 1.07;

(2) For sugar, derived from sugarcane and testing ninety-two sugar degrees by the polariscope, by multiplying the number of

pounds thereof by 0.93;

(3) For sugar, derived from sugarcane and testing more than ninety-two sugar degrees by the polariscope, by multiplying the number of pounds thereof by the figure obtained by adding to 0.93 the result of multiplying 0.0175 by the number of degrees and fractions of a degree of polarization above ninety-two degrees;

(4) For sugar and liquid sugar, testing less than ninety-two sugar degrees by the polariscope, by dividing the number of pounds of the "total sugar content" thereof by 0.972.

- (5) The Secretary may establish rates for translating sugar and liquid sugar into terms of raw value for (a) any grade or type of sugar or liquid sugar not provided for in the foregoing and (b) any special grade or type of sugar or liquid sugar for which he determines that the raw value cannot be measured adequately under the provisions of paragraphs (1) to (4), inclusive, of this subsection (h).
- (i) The term "total sugar content" means the sum of the sucrose (Clerget) and reducing or invert sugars contained in any grade or type of sugar or liquid sugar.

(j) The term "quota", depending upon the context, means (1) that quantity of sugar or liquid sugar which may be brought or imported into the continental United States, for consumption therein, during any calendar year, from the Territory of Hawaii, Puerto Rico, the Virgin Islands, the Commonwealth of the Philippine Islands or a foreign country or group of foreign countries; (2) that quantity of sugar or liquid sugar produced from sugar beets or sugarcane grown in the continental United States which, during any calendar year, may be shipped, transported, or marketed in interstate commerce, or in competition with sugar or liquid sugar shipped, transported, or marketed in interstate or foreign commerce; or (3) that quantity of sugar or liquid sugar which may be marketed in the Territory of Hawaii or in Puerto Rico, for consumption therein, during any calendar year.

(k) The term "producer" means a person who is the legal owner, at the time of harvest or abandonment, of a portion or all of a crop of sugar beets or sugarcane grown on a farm for the extraction of

sugar or liquid sugar.

(1) The terms "including" and "include" shall not be deemed to exclude anything not mentioned but otherwise within the meaning of the term defined.

(m) The term "Secretary" means the Secretary of Agriculture.

(Sept. 1, 1937, Title I, sec. 101, 50 Stat. 903; 7 U. S. C., sec. 1100.)

630-82. Annual estimate of consumption in continental United States.— The Secretary shall determine for each calendar year the amount of sugar needed to meet the requirements of consumers in the continental United States; such determinations shall be made during the month of December in each year for the succeeding calendar year and at such other times during such calendar year as the Secretary may deem necessary to meet such requirements. In making such determinations the Secretary shall use as a basis the quantity of directconsumption sugar distributed for consumption, as indicated by official statistics of the Department of Agriculture, during the twelve-month period ending October 31 next preceding the calendar year for which the determination is being made, and shall make allowances for a deficiency or surplus in inventories of sugar, and changes in consumption, as computed from statistics published by agencies of the Federal Government with respect to inventories of sugar, population, and demand conditions; and in order that the regulation of commerce provided by this Act shall not result in excessive prices to consumers, the Secretary shall make such additional allowances as he may deem necessary in the amount of sugar determined to be needed to meet the requirements of consumers, so that the supply of sugar made available to consumers shall not result in average prices to consumers in excess of those necessary to maintain the domestic sugar industry as a whole. The amount of such additional allowances shall not be less than the amount required, after allowance for normal carry-over, to give consumers in the continental United States a per capita consumption equal to the average of the two-year period 1937-38. (Sept. 1, 1937, Title II, sec. 201, 50 Stat. 904, Oct. 10, 1940, sec. 2, 54 Stat. 1092; 7 U. S. C.,

630-83. Proration of quotas.—Whenever a determination is made, pursuant to section 201, of the amount of sugar needed to meet the requirements of consumers, the Secretary shall establish quotas, or

revise existing quotas—

Domestic producing areas. (a) For domestic sugar-producing areas by prorating among such areas 55.59 per centum of such amount of sugar (but not less than 3,715,000 short tons) on the following basis:

	centum
Domestic beet sugar	41.72
Mainland cane sugar	11.31
Hawaii	25, 25
Puerto Rico	
Virgin Islands	

Foreign producing areas. (b) For foreign countries, and the Commonwealth of the Philippine Islands, by prorating 44.41 per centum of such amount of sugar (except, if such amount of sugar is less than 6,682,670 short tons, the excess of such amount over 3,715,000 short tons) on the following basis:

Commonwealth of the Philippine Islands 34.70 .____ 64.41 Cuba ____ Foreign countries other than Cuba_____

In no case shall the quota for the Commonwealth of the Philippine Islands be less than the duty-free quota now established by the provi-

sions of the Philippine Independence Act.

The quota for foreign countries other than Cuba shall be prorated among such countries on the basis of the division of the quota for such countries made in General Sugar Quota Regulations, Series 4, Number 1, issued December 12, 1936, pursuant to the Agricultural Adjustment Act, as amended. (Sept. 1, 1937, Title II, sec. 202, 50 Stat. 905; 7 U. S. C., sec. 1112 (a), (b).)

630-84. Estimates for consumption in Hawaii and Puerto Rico: quotas. In accordance with the applicable provisions of section 201, the Secretary shall also determine the amount of sugar needed to meet the requirements of consumers in the Territory of Hawaii, and in Puerto Rico, and shall establish quotas for the amounts of sugar which may be marketed for local consumption in such areas equal to the amounts determined to be needed to meet the requirements of consumers therein. (Sept. 1, 1937, Title II, sec. 203, 50 Stat. 905; 7 U. S. C., sec. 1113.)

630-85. Revision of proration upon productive deficiency of quota area.— Domestic productive deficiency.—(a) The Secretary shall, as he deems necessary during the calendar year, determine whether, in view of the current inventories of sugar, the estimated production from the acreage of sugarcane or sugar beets planted, the normal marketings within a calendar year of new-crop sugar, and other pertinent factors, any domestic area, the Commonwealth of the Philippine Islands, or Cuba, will be unable to market the quota for such area. If the Secretary finds that any domestic area or Cuba will be unable to market the quota for such area for the calendar year then current, he shall revise the quotas for the domestic areas and Cuba by prorating an amount of sugar equal to the deficit so determined to the other such areas, on the basis of the quotas then in effect. Any portion of such sugar which the Secretary determines cannot be supplied by domestic areas and Cuba shall be prorated to foreign countries other than Cuba on the basis of the prorations of the quota then in effect for such foreign countries. If the Secretary finds that the Commonwealth of the Philippine Islands will be unable to market the quota for such area for the calendar year then current, he shall revise the quota for foreign countries other than Cuba by prorating an amount of sugar equal to the deficit so determined to such foreign countries, on the basis of the prorations of the quota then in effect for such countries: *Provided*, however, That the quota for any domestic area, the Commonwealth of the Philippine Islands, or Cuba or other foreign countries, shall not be reduced by reason of any determination made pursuant to the provisions of this subsection.

Foregn productive deficiency. (b) If, on the 1st day of September in any calendar year, any part or all of the proration to any foreign country of the quota in effect on the 1st day of July in the same calendar year for foreign countries other than Cuba, has not been filled, the Secretary may revise the proration of such quota among such foreign countries, by prorating an amount of sugar equal to such unfilled proration to all other such foreign countries which have filled their prorations of such quota by such date, on the basis of the prorations then in effect. (Sept. 1, 1937, Title II, sec. 204, 50 Stat. 905; 7 U. S. C.,

sec. 1114 (a), (b).)

630-86. Allotments of quotas or prorations; authorization; method; modification. (a) Whenever the Secretary finds that the allotment of any quota, or proration thereof, established for any area pursuant to the provisions of this Act, is necessary to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, or to prevent disorderly marketing or importation of sugar or liquid sugar, or to maintain a continuous and stable supply of sugar or liquid sugar, or to afford all interested persons an equitable opportunity to market sugar or liquid sugar within any area's quota, after such hearing and upon such notice as he may by regulations prescribe, he shall make allotments of such quota or proration thereof by allotting to persons who market or import sugar or liquid sugar, for such periods as he may designate, the quantities of sugar or liquid sugar which each such person may market in continental United States, the Territory of Hawaii, or Puerto Rico, or may import or bring into continental United States, for consumption therein. Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; or the ability of such person to market or import that portion of such quota or proration thereof allotted to him. The Secretary may also, upon such hearing and notice as he may by regulations prescribe, revise or amend any such allotment upon the same basis as the initial allotment was made.

Appeal to courts; grounds. (b) An appeal may be taken, in the manner hereinafter provided, from any decision making such allotments, or revision thereof, to the United States Court of Appeals for the District of Columbia in any of the following cases:

(1) By any applicant for an allotment whose application shall have been denied.

(2) By any person aggrieved by reason of any decision of the Secretary granting or revising any allotment made to him.

Same; initial procedure. (c) Such appeal shall be taken by filing with said court within twenty days after the decision complained of is effective, notice in writing of said appeal and a statement of the reasons therefor, together with proof of service of a true copy of said notice and statement upon the Secretary. Unless a later date is specified by the Secretary as part of his decision, the decision complained of shall be considered to be effective as of the date on which public announcement of the decision is made at the office of the Secretary in the city of Washington. The Secretary shall thereupon, and in any event not later than ten days from the date of such service upon him, mail or otherwise deliver a copy of said notice of appeal to each person shown by the records of the Secretary to be interested in such appeal and to have a right to intervene therein under the provisions of this section, and shall at all times thereafter permit any such person to inspect and make copies of appellants' reasons for said appeal at the office of the Secretary in the city of Washington. Within thirty days after the filing of said appeal the Secretary shall file with the court the originals or certified copies of all papers and evidence presented to him upon the hearing involved and also a like copy of his decision thereon and shall within thirty days thereafter file a full statement in writing of the facts and grounds for his decision as found and given by him and a list of all interested persons to whom he has mailed or otherwise delivered a copy of said notice of appeal.

Same; intervention. (d) Within thirty days after the filing of said appeal any interested person may intervene and participate in the proceedings had upon said appeal by filing with the court a notice of intention to intervene and a verified statement showing the nature of the interest of such party together with proof of service of true copies of said notice and statement, both upon the appellant and upon the Secretary. Any person who would be aggrieved or whose interests would be adversely affected by reversal or modification of the decision of the Secretary complained of shall be considered an inter-

ested party.

Same; hearing; review. (e) At the earliest convenient time the court shall hear and determine the appeal upon the record before it, and shall have power, upon such record, to enter a judgment affirming or reversing the decision, and if it enters an order reversing the decision of the Secretary it shall remand the case to the Secretary to carry out the judgment of the court: Provided, however, That the review by the court shall be limited to questions of law and that findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive unless it shall clearly appear that the findings of the Secretary are arbitrary or capricious. The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States, upon writ of certiorari on petition therefor, under section 240 of the Judicial Code, as amended (U. S. C., 1934 ed., title 28, sec. 347), by appellant, by the Secretary, or by any interested party intervening in the appeal.

Same; costs. (f) The court may, in its discretion, enter judgment for costs in favor of or against an appellant, and other interested parties intervening in said appeal, but not against the Secretary, depending upon the nature of the issues involved in such appeal and the

outcome thereof.

Philippine allotments. (g) The Government of the Commonwealth of the Philippine Islands shall make allotments of any quota established for it pursuant to the provisions of this Act on the basis specified in section 6 (d) of Public Law Numbered 127, approved March 24, 1934. (Sept. 1, 1937, Title II, sec. 205, 50 Stat. 906; 7 U. S. C.,

sec. 1115 (a) to (g).)

630-87. Temporary quotas.—Until sugar quotas are established pursuant to this Act for the calendar year 1937, which shall be within sixty days after its enactment, the quotas determined by the Secretary in General Sugar Quota Regulations, Series 4, Number 1, issued December 12, 1936, pursuant to the provisions of the Agricultural Adjustment Act, as amended, shall remain in full force and effect. (Sept. 1, 1937, Title II, sec. 206, 50 Stat. 907; 7 U. S. C., sec. 1116 note.) [Executed.]

630-88. Amount of quota to be filled by direct-consumption .--

Hawaii. (a) Not more than twenty-nine thousand six hundred and sixteen short tons, raw value, of the quota for Hawaii for each of the calendar years 1937, 1938, and 1939 may be filled by direct-consumption sugar; and not more than four thousand nine hundred and thirty-six short tons, raw value, of the quota for Hawaii for the calendar year 1940 may be filled, during the first two months of such year, by direct-

consumption sugar.

Puerto Rico. (b) Not more than one hundred and twenty-six thousand and thirty-three short tons, raw value, of the quota for Puerto Rico for each of the calendar years 1937, 1938, and 1939 may be filled by direct-consumption sugar; and not more than twenty-one thousand and six short tons, raw value, of the quota for Puerto Rico for the calendar year 1940 may be filled, during the first two months of such year, by direct-consumption sugar.

Virgin Islands. (c) None of the quota for the Virgin Islands for any celandar year may be filled by direct-consumption sugar.

Philippine Islands. (d) Not more than eighty thousand two hundred and fourteen short tons, raw value, of the quota for the Commonwealth of the Philippine Islands for any calendar year may be filled by direct-consumption sugar.

Cuba. (e) Not more than three hundred and seventy-five thousand short tons, raw value, of the quota for Cuba for any calendar year

may be filled by direct-consumption sugar.

Hawaiian and Puerto Rican local consumption. (f) This section shall not apply with respect to the quotas established under section 203 for marketing for local consumption in Hawaii and Puerto Rico. (Sept. 1, 1937, Title II, sec. 207, 50 Stat. 907; 7 U. S. C., sec. 1117 (a) to (f).)

630-89. Liquid sugar, foreign quotas.—Quotas for liquid sugar for foreign countries for each calendar year are hereby established as follows:

 Country
 In terms of wine gallons of 72% total sugar-content

 Cuba
 7, 970, 558

 Dominican Republic
 830, 894

 Other foreign countries
 0

The quantities of liquid sugar imported into the continental United States during the calendar year 1937, prior to the enactment of this Act, shall be charged against the quotas for the calendar year 1937

(Sept. 1, 1937, Title II, sec. 208, 50 Stat. established by this section. 908; 7 U. S. C., sec. 1118.)

630-90. Prohibited acts.—All persons are hereby prohibited—

Importation in excess of foreign quotas. (a) From bringing or importing into the continental United States from the Territory of Hawaii, Puerto Rico, the Virgin Islands, the Commonwealth of the Philippine Islands, or foreign countries, any sugar or liquid sugar after the quota for such area, or the proration of any such quota, has been filled;

Transportation in excess of domestic quota. (b) From shipping, transporting, or marketing in interstate commerce, or in competition with sugar or liquid sugar shipped, transported, or marketed in interstate or foreign commerce, any sugar or liquid sugar produced from sugar beets or sugarcane grown in either the domestic-beet-sugar area or the mainland-cane-sugar area after the quota for such area has been filled:

Marketing in Hawaii and Puerto Rico in excess of quotas therefor. (c) From marketing in either the Territory of Hawaii or Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota

therefor has been filled;

Exceeding allotments or prorations. (d) From exceeding allotments of any quota or proration thereof made to them pursuant to the provision of this Act. (Sept. 1, 1937, Title II, sec. 209, 50 Stat. 908; 7 U. S. C., sec. 1119 (a) to (d).)

630-91. Terminology of determinations; raw value to govern.—(a) The determinations provided for in sections 201 and 203, and all quotas, prorations, and allotments, except quotas established pursuant to the provisions of section 208, shall be made or established in terms of raw value.

Sugar to include liquid sugar. (b) For the purposes of this title, liquid sugar, except that imported from foreign countries, shall be included with sugar in making the determinations provided for in sections 201 and 203 and in the establishment or revision of quotas, prorations, and allotments. (Sept. 1, 1937, Title II, sec. 210, 50 Stat.

908; 7 U. S. C., sec. 1120 (a), (b).)

630-92. Credit against quota; nature of sugar for domestic quota.— Credit upon exportation of imported sugar. (a) The raw-value equivalent of any sugar or liquid sugar in any form, including sugar or liquid sugar in manufactured products, exported from the continental United States under the provisions of section 313 of the Tariff Act of 1930 shall be credited against any charges which shall have been made in respect to the applicable quota or proration for the country of origin. The country of origin of sugar or liquid sugar in respect to which any credit shall be established shall be that country in respect to importation from which drawback of the exported sugar or liquid sugar has been claimed. Sugar or liquid sugar entered into the continental United States under an applicable bond established pursuant to orders or regulations issued by the Secretary, for the express purpose of subsequently exporting the equivalent quantity of sugar or liquid sugar as such, or in manufactured articles, shall not be charged against the applicable quota or proration for the country of origin.

Exportation defined. (b) Exportation within the meaning of sections 309 and 313 of the Tariff Act of 1930 shall be considered to be ex-

portation within the meaning of this section.

Domestic quota to be filled with products of local beets and cane. (c) The quota established for any domestic sugar producing area may be filled only with sugar or liquid sugar produced from sugar beets or sugarcane grown in such area: Provided, however, That any sugar or liquid sugar admitted free of duty from the Virgin Islands under the Act of Congress, approved March 3, 1917 (39 Stat. 1133), may be admitted within the quota for the Virgin Islands. (Sept. 1, 1937, Title II, sec. 211, 50 Stat. 909; 7 U. S. C., sec. 1121 (a), (b), (c).)

630-93. Exceptions to quota provisions.—The provisions of this title shall not apply to (1) the first ten short tons, raw value, of sugar or liquid sugar imported from any foreign country, other than Cuba, in any calendar year; (2) the first ten short tons, raw value, of sugar or liquid sugar imported from any foreign country, other than Cuba, in any calendar year for religious, sacramental, educational, or experimental purposes; (3) liquid sugar imported from any foreign country, other than Cuba, in individual sealed containers of such capacity as the Secretary may determine, not in excess of one and one-tenth gallons each; or (4) any sugar or liquid sugar imported, brought into, or produced or manufactured in the United States for the distillation of alcohol, or for livestock feed, or for the production of livestock feed. (Sept. 1, 1937, Title II, sec. 212, 50 Stat. 909; 7 U. S. C., sec. 1122.)

630-94. Conditions of payment.—The Secretary is authorized to make payments on the following conditions with respect to sugar or liquid sugar commercially recoverable from the sugar beets or sugarcane grown on a farm for the extraction of sugar or liquid

sugar:

Child labor. (a) That no child under the age of fourteen years shall have been employed or permitted to work on the farm, whether for gain to such child or any other person, in the production, cultivation, or harvesting of a crop of sugar beets or sugarcane with respect to which application for payment is made, except a member of the immediate family of a person who was the legal owner of not less than 40 per centum of the crop at the time such work was performed; and that no child between the ages of fourteen and sixteen years shall have been employed or permitted to do such work, whether for gain to such child or any other person, for a longer period than eight hours in any one day, except a member of the immediate family of a person who was the legal owner of not less than 40 per centum of the crop at the time such work was performed. The Secretary is authorized to make payments, notwithstanding a failure to comply with the conditions provided in this subsection, but the payments made with respect to any crop shall be subject to a deduction of \$10 for each child for each day, or a portion of a day, during which such child was employed or permitted to work contrary to the foregoing provisions of this subsection, in the 1937, 1938, and 1939 crops.

Wage standards. (b) That all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice

and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended, and the differences in conditions among various producing areas: Provided, however, That a payment which would be payable except for the foregoing provisions of this subsection may be made, as the Secretary may determine, in such manner that the laborer will receive an amount, insofar as such payment will suffice, equal to the amount of the accrued unpaid wages for such work, and that the producer will receive the remainder, if any,

of such payment.

Proportionate share production. (c) That there shall not have been marketed (or processed) an amount (in terms of planted acreage, weight, or recoverable sugar content) of sugar beets or sugarcane grown on the farm and used for the production of sugar or liquid sugar to be marketed in, or so as to compete with or otherwise directly affect interstate or foreign commerce, in excess of the proportionate share for the farm, as determined by the Secretary pursuant to the provisions of section 302, of the total quantity of sugar beets or sugarcane required to be processed to enable the area in which such sugar beets or sugarcane are produced to meet the quota (and provide a normal carry-over inventory) as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed.

Payment of producer by processor. (d) That the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

Soil preservation. (e) That there shall have been carried out on the farm such farming practices in connection with the production of sugar beets and sugarcane during the year in which the crop was harvested with respect to which a payment is applied for, as the Secretary may determine, pursuant to this subsection, for preserving and improving fertility of the soil and for preventing soil erosion, such practices to be consistent with the reasonable standards of the farming

community in which the farm is situated.

The conditions provided in subsection (a) and in subsection (b) with respect to wage rates, of this section shall not apply to work performed prior to the enactment of this Act; and the condition provided in subsection (c) of this section shall not apply to the marketing of the first crop harvested after the enactment of this Act from sugar beets or sugarcane planted prior to such enactment. (Sept. 1, 1937, Title III, sec. 301, 50 Stat. 909; June 25, 1940, 54 Stat. 571; 7 U. S. C., sec. 1131 (a) to (e).)

630-95. Quantity of sugar; time for payments .--

Amount as determined by Secretary. (a) The amount of sugar or liquid sugar with respect to which payment may be made shall be the amount of sugar or liquid sugar commercially recoverable, as deter-

mined by the Secretary, from the sugar beets or sugarcane grown on the farm and marketed (or processed by the producer) not in excess of the proportionate share for the farm, as determined by the Secretary, of the quantity of sugar beets or sugarcane for the extraction of sugar or liquid sugar required to be processed to enable the producing area in which the crop of sugar beets or sugarcane is grown to meet the quota (and provide a normal carryover inventory) estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed.

Determination of proportionate share of farm. (b) In determining the proportionate shares with respect to a farm, the Secretary may take into consideration the past production on the farm of sugar beets and sugarcane marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugar beets or sugarcane, and the Secretary shall, insofar as practicable, protect the interests of new producers and small producers and the interests of producers who are cash tenants, share-tenants, adherent planters, or share-croppers.

Date payments to commence. (c) Payments shall be effective with respect to sugar or liquid sugar commercially recoverable from sugar beets and sugarcane grown on a farm and which shall have been marketed (or processed by the producer) on and after July 1, 1937. (Sept. 1, 1937, Title III, sec. 302, 50 Stat. 910; 7 U. S. C., sec. 1132 (a) to (c).)

630-96. Acreage abandonment and crop deficiency.-In addition to the amount of sugar or liquid sugar with respect to which payments are authorized under subsection (a) of section 302, the Secretary is also authorized to make payments, on the conditions provided in section 301, with respect to bona-fide abandonment of planted acreage and crop deficiencies of harvested acreage, resulting from drought, flood, storm, freeze, disease, or insects, which cause such damage to all or a substantial part of the crop of sugar beets or sugarcane in the same factory district (as established by the Secretary), county, parish, municipality, or local producing area, as determined in accordance with regulations issued by the Secretary, on the following quantities of sugar or liquid sugar: (1) With respect to such bona-fide abandonment of each planted acre of sugar beets or sugarcane, one-third of the normal yield of commercially recoverable sugar or liquid sugar per acre for the farm, as determined by the Secretary; and (2) with respect to such crop deficiencies of harvested acreage of sugar beets or sugarcane, the excess of 80 per centum of the normal yield of commercially recoverable sugar or liquid sugar for such acreage for the farm, as determined by the Secretary, over the actual yield. (Sept. 1, 1937, Title III, sec. 303, 50 Stat. 911; 7 U. S. C., sec. 1133.)

630-97. Computation of payments; recipients thereof.—

Base rate. (a) The amount of the base rate of payment shall be 60

cents per hundred pounds of sugar or liquid sugar, raw value.

Farm unit as basis of calculation. (b) All payments shall be calculated with respect to a farm which, for the purposes of this Act, shall be a farming unit as determined in accordance with regulations issued by the Secretary, and in making such determinations, the Secretary shall take into consideration the use of common work stock, equipment, labor, management, and other pertinent factors.

Total payment. (c) The total payment with respect to a farm shall be the product of the base rate specified in subsection (a) of this sec-

tion multiplied by the amount of sugar and liquid sugar, raw value, with respect to which payment is to be made, except that reductions shall be made from such total payment in accordance with the following scale of reductions:

That portion of the quantity of sugar and liquid sugar which is included within the following intervals of short tons, raw value:	the base rate of payment per hundred- weight of such portion
500 to 1,500	\$0.050
1,500 to 6,000	
6,000 to 12,000	.100
12,000 to 30,000	. 125
More than 30,000	.300

Persons entitled to payments. (d) Application for payment shall be made by, and payments shall be made to, the producer or, in the event of his death, disappearance, or incompetency, his legal representative, or heirs: Provided, however, That all producers on the farm shall signify in the application for payment the per centum of the total payment with respect to the farm to be made to each producer: And provided further, That payments may be made, (1) in the event of the death, disappearance, or incompetency of a producer, to such beneficiary as the producer may designate in the application for payment; (2) to one producer of a group of two or more producers, provided all producers on the farm designate such producer in the application for payment as sole recipient for their benefit of the payment with respect to the farm; or (3) to a person who is not a producer, provided such person controls the land included within the farm with respect to which the application for payment is made and is designated by the sole producer (or all producers) on the farm, as sole recipient for his or their benefit, of the payment with respect to the farm. (Sept. 1, 1937, Title III, sec. 304, 50 Stat. 911; 7 U. S. C., sec. 1134 (a) to (d).)

630-98. Cooperation with Secretary by certain agencies.—In carrying out the provisions of titles II and III of this Act, the Secretary is authorized to utilize local committees of sugar beet or sugarcane producers, State and county agricultural conservation committees, or the Agricultural Extension Service and other agencies, and the Secretary may prescribe that all or a part of the expenses of such committees may be deducted from the payments herein authorized. (Sept. 1, 1937, Title III, sec. 305, 50 Stat. 912; 7 U. S. C., sec. 1135.)

630-99. Finality of Secretary's determinations.—The facts constituting the basis for any payment, or the amount thereof authorized to be made under this title, officially determined in conformity with rules or regulations prescribed by the Secretary, shall be reviewable only by the Secretary, and his determinations with respect thereto shall be final and conclusive. (Sept. 1, 1937, Title III, sec. 306, 50 Stat. 912; 7 U. S. C., sec. 1136.)

630-100. Territorial application.—This title shall apply to the continental United States, the Territory of Hawaii, and Puerto Rico. (Sept. 1, 1937, Title III, sec. 307, 50 Stat. 912; 7 U. S. C., sec. 1137.)

630-101. Excise taxes with respect to sugar; definitions.—For the purposes of this title—

(a) The term "person" means an individual, partnership, corpora-

tion, or association.

(b) The term "manufactured sugar" means any sugar derived from sugar beets or sugarcane, which is not to be, and which shall not be, further refined or otherwise improved in quality; except sugar in liquid form which contains nonsugar solids (excluding any foreign substance that may have been added) equal to more than 6 per centum of the total soluble solids, and except also sirup of cane juice produced from sugarcane grown in continental United States.

The grades or types of sugar within the meaning of this definition shall include, but shall not be limited to, granulated sugar, lump sugar, cube sugar, powdered sugar, sugar in the form of blocks, cones, or molded shapes, confectioners' sugar, washed sugar, centrifugal sugar, clarified sugar, turbinado sugar, plantation white sugar, muscovado sugar, refiners' soft sugar, invert sugar mush, raw sugar,

sirups, molasses, and sugar mixtures.

(c) The term "total sugars" means the total amount of the sucrose (Clerget) and of the reducing or invert sugars. The total sugars contained in any grade or type of manufactured sugar shall be ascertained in the manner prescribed in paragraphs 758, 759, 762, and 763 of the United States Customs Regulations (1931 edition).

(d) The term "United States" shall be deemed to include the States, the Territories of Hawaii and Alaska, the District of Columbia, and Puerto Rico. (Sept. 1, 1937, Title IV, sec. 401, 50 Stat. 912; 7 U. S. C.,

sec. 1151.)

630-102. Tax on manufacture of sugar.-

Rate. (a) Upon manufactured sugar manufactured in the United States, there shall be levied, collected and paid a tax, to be paid by the manufacturer at the following rates:

(1) On all manufactured sugar testing by the polariscope ninety-two sugar degrees, 0.465 cent per pound, and for each additional sugar degree shown by the polariscopic test, 0.00875 cent per pound additional, and fractions of a degree in proportion;

(2) On all manufactured sugar testing by the polariscope less than ninety-two sugar degrees, 0.5144 cent per pound of the total

sugars therein.

Persons deemed manufacturers. (b) Any person who acquires any sugar which is to be manufactured into manufactured sugar but who, without further refining or otherwise improving it in quality, sells such sugar as manufactured sugar or uses such sugar as manufactured sugar in the production of other articles for sale shall be considered for the purposes of this section the manufacturer of manufactured sugar and, as such, liable for the tax hereunder with respect thereto.

Time; filing return; payment. (c) The manufacturer shall file on the last day of each month a return and pay the tax with respect to manufactured sugar manufactured after the effective date of this title (1) which has been sold, or used in the production of other articles, by the manufacturer during the preceding month (if the tax has not already been paid) and (2) which has not been so sold or used within twelve months ending during the preceding calendar month, after it was manufactured (if the tax has not already been paid): Provided, That the first return and payment of the tax shall not be due until the

last day of the second month following the month in which this title

takes effect.

For the purpose of determining whether sugar has been sold or used within twelve months after it was manufactured sugar shall be considered to have been sold or used in the order in which it was manufactured.

Manufacture by producer for personal consumption. (d) No tax shall be required to be paid upon the manufacture of manufactured sugar by, or for, the producer of the sugar beets or sugarcane from which such manufactured sugar was derived, for consumption by the producer's own family, employees, or household. (Sept. 1, 1937, Title IV, sec. 402, 50 Stat. 913; 7 U. S. C., sec. 1152(a) to (d).)

630-103. Import compensating tax on manufactured sugar .-

Rate. (a) In addition to any other tax or duty imposed by law, there shall be imposed, under such regulations as the Commissioner of Customs shall prescribe, with the approval of the Secretary of the Treasury, a tax upon articles imported or brought into the United States as follows:

(1) On all manufactured sugar testing by the polariscope ninety-two sugar degrees, 0.465 cent per pound, and for each additional sugar degree shown by the polariscopic test, 0.00875 cent per pound additional, and fractions of a degree in proportion;

(2) On all manufactured sugar testing by the polariscope less than ninety-two sugar degrees 0.5144 cent per pound of the total

sugars therein;

(3) On all articles composed in chief value of manufactured sugar 0.5144 cent per pound of the total sugars therein.

Manner of levy, assessment, collection and payment; nature. (b) Such tax shall be levied, assessed, collected, and paid in the same manner as a duty imposed by the Tariff Act of 1930, and shall be treated for the purposes of all provisions of law relating to the customs revenue as a duty imposed by such Act, except that for the purposes of sections 336 and 350 of such Act (the so-called flexible-tariff and trade-agreements provisions) such tax shall not be considered a duty or import restriction, and except that no preference with respect to such tax shall be accorded any articles imported or brought into the United States. (Sept. 1, 1937, Title IV, sec. 403, 50 Stat. 913; 7 U. S. C., sec. 1153 (a), (b).)

630-104. Drawback and refunds.—

Exportation. (a) Upon the exportation from the United States to a foreign country, or the shipment from the United States to any possession of the United States except Puerto Rico, of any manufactured sugar, or any article manufactured wholly or partly from manufactured sugar, with respect to which tax under the provisions of section 402 has been paid, the amount of such tax shall be paid by the Commissioner of Internal Revenue to the consignor named in the bill of lading under which the article was exported or shipped to a possession, or to the shipper, if the consignor waives any claim thereto in favor of such shipper: *Provided*, That no such payment shall be allowed with respect to any manufactured sugar, or article, upon which, through substitution or otherwise, a drawback of any tax paid under

section 403 has been or is to be claimed under any provisions of law

made applicable by section 403.

Livestock feed; distillation of alcohol. (b) Upon the use of any manufactured sugar, or article manufactured therefrom, as livestock feed, or in the production of livestock feed, or for the distillation of alcohol, there shall be paid by the Commissioner of Internal Revenue to the person so using such manufactured sugar, or article manufactured therefrom, the amount of any tax paid under section 402 with respect thereto.

Limitation of time. (c) No payment shall be allowed under this section unless within one year after the right to such payment has accrued a claim therefor is filed by the person entitled thereto. (Sept. 1, 1937, Title IV, sec. 404, 50 Stat. 914; 7 U. S. C., sec. 1154 (a) to (c).)

630-105. Collection of taxes.

Bureau of Internal Revenue to collect; covering into Treasury. (a) Except as otherwise provided, the taxes imposed by this title shall be collected by the Bureau of Internal Revenue under the direction of the Secretary of the Treasury. Such taxes shall be paid into the

Treasury of the United States.

Laws applicable. (b) All provisions of law, including penalties, applicable with respect to the taxes imposed under title IV of the Revenue Act of 1932, shall, insofar as applicable and not inconsistent with the provisions of this title, be applicable in respect to the tax imposed by section 402. If the tax is not paid when due there shall be added as part of the tax interest at 6 per centum per annum from the date the tax became due until the date of payment.

Rules and regulations. (c) The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe such rules and regulations as may be necessary to carry out all pro-

visions of this title except section 403.

District in which payable. (d) Any person required, pursuant to the provisions of section 402, to file a return may be required to file such return with and pay the tax shown to be due thereon to the collector of internal revenue for the district in which the manufacturing was done or the liability incurred. (Sept. 1, 1937, Title IV, sec. 405, 50 Stat. 914; 7 U. S. C., sec. 1155 (a) to (d).)

630-106. Effective date.—The provisions of this title shall become effective on the date of enactment of this Act. (Sept. 1, 1937, Title IV,

sec. 406, 50 Stat. 914; 7 U. S. C., sec. 1156.)

630-107. Powers of Secretary.—For the purposes of this Act, except

title IV. the Secretary shall—

Appointment of officers and employees. (a) Appoint and fix the compensation of such officers and employees as he may deem necessary in administering the provisions of this Act: Provided, That all such officers and employees, except attorneys, economists, experts, and persons in the employ of the Department of Agriculture on the date of the enactment of this Act, shall be subject to the provisions of the civil-service laws and the Classification Act of 1923, as amended: And provided further, That no salary in excess of \$10,000 per annum shall be paid to any such person.

Expenditures. (b) Make such expenditures as he deems necessary to carry out the provisions of this Act, including personal services and rents in the District of Columbia and elsewhere, traveling expenses

(including the purchase, maintenance, and repair of passenger-carrying vehicles), supplies and equipment, law books, books of reference, directories, periodicals, and newspapers. (Sept. 1, 1937, Title V, sec.

501, 50 Stat. 915; 7 U. S. C., sec. 1171 (a), (b).

630-108. Financial provisions; annual appropriation.—(a) There is hereby authorized to be appropriated for each fiscal year for the purposes and administration of this Act, except for allotments in the Philippine Islands as provided in subsection (g) of section 205, a sum not to exceed \$55,000,000.

Availability of funds. (b) All funds available for carrying out this Act shall be available for allotment to the bureaus and offices of the Department of Agriculture and for transfer to such other agencies of the Federal Government as the Secretary may request to cooperate or assist in carrying out the provisions of this Act. (Sept. 1, 1937,

Title V, sec. 502, 50 Stat. 915; 7 U. S. C., sec. 1172 (a), (b).)

630-109. Appropriation for financing Philippine program of economic adjustment.—There is authorized to be appropriated an amount equal to the amount of the taxes collected or accrued under title IV on sugars produced from sugarcane grown in the Commonwealth of the Philippine Islands which are manufactured in or brought into the United States on or prior to June 30, 1941, minus the costs of collecting such taxes and the estimates of amounts of refunds required to be made with respect to such taxes, for transfer to the Government of the Commonwealth of the Philippines for the purpose of financing a program of economic adjustment in the Philippines, the transfer to be made under such terms and conditions as the President of the United States may prescribe: *Provided*, That no part of the appropriations herein authorized shall be paid directly or indirectly for the production or processing of sugarcane in the Philippine Islands. (Sept. 1, 1937, Title V, sec. 503, 50 Stat. 915; 7 U. S. C., sec. 1173.)

630-110. Rules and regulations; violation.—The Secretary is author-

630-110. Rules and regulations; violation.—The Secretary is authorized to make such orders or regulations, which shall have the force and effect of law, as may be necessary to carry out the powers vested in him by this Act. Any person knowingly violating any order or regulation of the Secretary issued pursuant to this Act shall, upon conviction, be punished by a fine of not more than \$100 for each such violation. (Sept. 1, 1937, Title V, sec. 504, 50 Stat. 915; 7 U. S. C.,

sec. 1174.)

630-111. Jurisdiction of courts.—The several district courts of the United States are hereby vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating, the provisions of this Act or of any order or regulation made or issued pursuant to this Act. If and when the Secretary shall so request, it shall be the duty of the several district attorneys of the United States, in their respective districts, to institute proceedings to enforce the remedies and to collect the penalties and forfeitures provided for in this Act. The remedies provided for in this Act shall be in addition to, and not exclusive of, any of the remedies or penalties existing at law or in equity. (Sept. 1, 1937, Title V, sec. 505, 50 Stat. 915; 7 U. S. C., sec. 1175.)

630-112. Forfeitures.—Any person who knowingly violates, or attempts to violate, or who knowingly participates or aids in the violation of, any of the provisions of section 209, or any person who brings

or imports into the continental United States direct-consumption sugar after the quantities specified in section 207 have been filled, shall forfeit to the United States the sum equal to three times the market value, at the time of the commission of any such, (a) of that quantity of sugar or liquid sugar by which any quota, proration, or allotment is exceeded, or (b) of that quantity brought or imported into the continental United States after the quantities specified in section 207 have been filled, which forfeiture shall be recoverable in a civil suit brought in the name of the United States. (Sept. 1, 1937, Title V, sec. 506, 50 Stat. 915; 7 U. S. C., sec. 1176.)

630-113. Duty to furnish information; penalty.—All persons engaged in the manufacturing, marketing, or transportation of sugar or liquid sugar, and having information which the Secretary deems necessary to enable him to administer the provisions of this Act, shall, upon the request of the Secretary, furnish him with such information. Any person willfully failing or refusing to furnish such information, or furnishing willfully any false information, shall upon conviction be subject to a penalty of not more than \$1,000 for each such violation. (Sept. 1, 1937, Title V, sec. 507, 50 Stat. 916;

7 U. S. C., sec. 1177.)

630-114 Sugar investments by officials prohibited; penalty.—No person shall, while acting in any official capacity in the administration of this Act, invest or speculate in sugar or liquid sugar, contracts relating thereto, or the stock or membership interests of any association or corporation engaged in the production or manufacturing of sugar or liquid sugar. Any person violating this section shall upon conviction thereof be fined not more than \$10,000 or imprisoned not more than two years, or both. (Sept. 1, 1937, Title V, sec. 508, 50

Stat. 916; 7 U. S. C., sec. 1178.)

630-115. Emergency; powers of President.—Whenever the President finds and proclaims that a national economic or other emergency exists with respect to sugar or liquid sugar, he shall by proclamation suspend the operation of title II or III above, which he determines, on the basis of such findings, should be suspended, and, thereafter, the operation of any such title shall continue in suspense until the President finds and proclaims that the facts which occasioned such suspension no longer exist. The Secretary shall make such investigations and reports thereon to the President as may be necessary to aid him in carrying out the provisions of this section. (Sept. 1, 1937, Title V, sec. 509, 50 Stat. 916; 7 U. S. C., sec. 1179.)

630-116. Laws ineffective; repeals.—The provisions of the Agricultural Adjustment Act, as amended, shall cease to apply to sugar upon the enactment of this Act, and the provisions of Public Resolution Numbered 109, Seventy-fourth Congress, approved June 19, 1936, are hereby repealed. (Sept. 1, 1937, Title V, sec. 510, 50 Stat.

916; 7 U. S. C., sec. 1180.)

630-117. Surveys and investigations by Secretary of producer-processor and producer-laborer contracts.—In order to facilitate the effectuation of the purposes of this Act, the Secretary is authorized to make surveys, investigations, including the holding of public hearings, and to make recommendations with respect to (a) the terms and conditions of contracts between the producers and processors of sugar beets and sugarcane and (b) the terms and conditions of contracts

between laborers and producers of sugar beets and sugarcane. (Sept. 1, 1937, Title V, sec. 511, 50 Stat. 916; 7 U. S. C., sec. 1181.)

630-118. Same; of general conditions and factors; publication of information.—The Secretary is authorized to conduct surveys, investigations, and research relating to the conditions and factors affecting the methods of accomplishing most effectively the purposes of this Act and for the benefit of agriculture generally in any area. Notwithstanding any provision of existing law, the Secretary is authorized to make public such information as he deems necessary to carry out the provisions of this Act. (Sept. 1, 1937, Title V, sec. 512, 50 Stat. 916; 7 U. S. C., sec. 1182.)

630–130. Marketing quotas, tobacco; legislative finding of effect on interunder this Act shall terminate on December 31, 1941, except that the Secretary shall have power to make payments under title III under programs applicable to the crop year 1941 and previous crop years. (Sept. 1, 1937, Title V, sec. 513, 50 Stat. 916; Oct. 15, 1940, sec. 1, 54

Stat. 1178; 7 U. S. C., sec. 1183.)

AGRICULTURAL ADJUSTMENT ACT OF 1938

630-120. Short title.—That this Act may be cited as the "Agricultural Adjustment Act of 1938". (Feb. 16, 1938, sec. 1, 52 Stat. 31;

7 U. S. C., sec. 1281.)

630-121. Declaration of policy.—It is hereby declared to be the policy of Congress to continue the Soil Conservation and Domestic Allotment Act, as amended, for the purpose of conserving national resources, preventing the wasteful use of soil fertility, and of preserving, maintaining, and rebuilding the farm and ranch land resources in the national public interest; to accomplish these purposes through the encouragement of soil-building and soil-conserving crops and practices; to assist in the marketing of agricultural commodities for domestic consumption and for export; and to regulate interstate and foreign commerce in cotton, wheat, corn, tobacco, and rice to the extent necessary to provide an orderly, adequate, and balanced flow of such commodities in interstate and foreign commerce through storage of reserve supplies, loans, marketing quotas, assisting farmers to obtain, insofar as practicable, parity prices for such commodities and parity of income, and assisting consumers to obtain an adequate and steady supply of such commodities at fair prices. (Feb. 16, 1938, sec. 2, 52 Stat. 31; 7 U. S. C., sec. 1282.)

Note.—Title I of this act contains amendments to the Soil Conservation and Domestic Allotment Act, as amended, the compilation of which appears as paragraphs 1084–22 to 1084–38.

630-122. Adjustments in freight rates.—

Complaints by Secretary of Agriculture; notice of hearings. (a) The Secretary of Agriculture is authorized to make complaint to the Interstate Commerce Commission with respect to rates, charges, tariffs, and practices relating to the transportation of farm products, and to prosecute the same before the Commission. Before hearing or disposing of any complaint (filed by any person other than the Secretary) with respect to rates, charges, tariffs, and practices relating to the transportation of farm products, the Commission shall cause the Secretary to be notified, and, upon application by the Secretary, shall permit the Secretary to appear and be heard.

Secretary as party to proceedings. (b) If such rate, charge, tariff, or practice complained of is one affecting the public interest, upon application by the Secretary, the Commission shall make the Secretary a party to the proceeding. In such case the Secretary shall have the rights of a party before the Commission and the rights of a party to invoke and pursue original and appellate judicial proceedings involving the Commission's determination. The liability of the Secretary in any such case shall extend only to liability for court costs.

Utilization of records, services, etc. of Department of Agriculture. (c) For the purposes of this section, the Interstate Commerce Commission is authorized to avail itself of the cooperation, records, services, and

facilities of the Department of Agriculture.

Cooperation with complaining farm associations. (d) The Secretary is authorized to cooperate with and assist cooperative associations of farmers making complaint to the Interstate Commerce Commission with respect to rates, charges, tariffs, and practices relating to the transportation of farm products. (Feb. 16, 1938, Title II, sec. 201, 52 Stat. 36; 7 U. S. C., sec. 1291 (a) to (d).)

630-123. New uses and markets for commodities.

Regional research laboratories, establishment. (a) The Secretary is hereby authorized and directed to establish, equip, and maintain four regional research laboratories, one in each major farm producing area, and, at such laboratories, to conduct researches into and to develop new scientific, chemical, and technical uses and new and extended markets and outlets for farm commodities and products and byproducts thereof, Such research and development shall be devoted primarily to those farm commodities in which there are regular or seasonal surpluses, and their products and byproducts.

Acquisition of land for laboratories; donations. (b) For the purposes of subsection (a), the Secretary is authorized to acquire land and interests therein, and to accept in the name of the United States donations of any property, real or personal, to any laboratory established pursuant to this section, and to utilize voluntary or uncompensated services at such laboratories. Donations to any one of such laboratories shall not be available for use by any other of such labora-

tories.

Cooperation with governmental agencies, associations, etc. (c) In carrying out the purposes of subsection (a), the Secretary is authorized and directed to cooperate with other departments or agencies of the Federal Government, States, State agricultural experiment stations, and other State agencies and institutions, counties, municipalities, business or other organizations, corporations, associations, universities, scientific societies, and individuals, upon such terms and conditions as he may prescribe.

Appropriation for purposes of subsection (a). (d) To carry out the purposes of subsection (a), the Secretary is authorized to utilize in each fiscal year, beginning with the fiscal year beginning July 1, 1938, a sum not to exceed \$4,000,000 of the funds appropriated pursuant to section 391 of this Act, or section 15 of the Soil Conservation and Domestic Allotment Act, as amended, for such fiscal year. The

Secretary shall allocate one-fourth of such sum annually to each of

the four laboratories established pursuant to this section.

Report to Congress. (e) The Secretary shall make a report to Congress at the beginning of each regular session of the activities of, expenditures by, and donations to the laboratories established pur-

suant to subsection (a).

Appropriation to Secretary of Commerce. (f) There is hereby allocated to the Secretary of Commerce for each fiscal year, beginning with the fiscal year beginning July 1, 1938, out of funds appropriated for such fiscal year pursuant to section 391 of this Act, or section 15 of the Soil Conservation and Domestic Allotment Act, as amended, the sum of \$1,000,000 to be expended for the promotion of the sale of farm commodities and products thereof in such manner as he shall direct. Of the sum allocated under this subsection to the Secretary of Commerce for the fiscal year beginning July 1, 1938, \$100,000 shall be devoted to making a survey and investigation of the cause or causes of the reduction in exports of agricultural commodities from the United States, in order to ascertain methods by which the sales in foreign countries of basic agricultural commodities produced in the United States may be increased.

Duty of Secretary. (g) It shall be the duty of the Secretary to use available funds to stimulate and widen the use of all farm commodities in the United States and to increase in every practical way the flow of such commodities and the products thereof into the markets of the world. (Feb. 16, 1938, Title II, sec. 202, 52 Stat. 37; 7 U. S. C.,

sec. 1292 (a) to (g).)

630–124. Appropriation to encourage exportation and domestic consumption of agricultural products.—Section 32, as amended, of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935, is amended by striking out ": Provided further, That no part of the funds appropriated by this section shall be used for the payment of benefits in connection with the exportation of unmanufactured cotton", and is further amended by adding at the end thereof the following: "Notwithstanding any other provision of this section, the amount that may be devoted, during any fiscal year after June 30, 1939, to any one agricultural commodity or the products thereof in such fiscal year, shall not exceed 25 per centum of the funds available under this section for such fiscal year." (Aug. 24, 1935, sec. 32, 49 Stat. 774 as amended Feb. 29, 1936, sec. 2, 49 Stat. 1151; Feb. 16, 1938, sec. 203, 52 Stat. 38; June 30, 1939, Title I, 53 Stat. 975; 7 U. S. C., sec. 612c.) (See also par. 630–9 this volume.)

630–125. Annual report of Federal Surplus Commodities Corporation.—The Act entitled "An Act to extend the time for purchase and distribution of surplus agricultural commodities for relief purposes and to continue the Federal Surplus Commodities Corporation", approved June 28, 1937 (Public, Numbered 165, Seventy-fifth Congress), is amended by striking out "continued, until June 30, 1939," and inserting in lieu thereof "continued, until June 30, 1942,". The Federal Surplus Commodities Corporation shall submit to Congress on the first day of each regular session an annual report setting forth a statement of the activities, receipts, and expenditures of the Corporation during the previous fiscal year. (Feb. 16, 1938, Title II, sec. 204, 52 Stat. 38; 7 U. S. C., sec. 1293.) (See also par. 630–9 this volume.)

630-126. Definitions .-

General definitions. (a) For the purposes of this title and the

declaration of policy—

(1) "Parity", as applied to prices for any agricultural commodity, shall be that price for the commodity which will give to the commodity a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of such commodity in the base period; and, in the case of all commodities for which the base period is the period August 1909 to July 1914, which will also reflect current interest payments per acre on farm indebtedness secured by real estate, tax payments per acre on farm real estate, and freight rates, as contrasted with such interest payments, tax payments, and freight rates during the base period. The base period in case of all agricultural commodities except tobacco shall be the period August 1909 to July 1914. In the case of all kinds of tobacco except Burley and flue-cured such base period shall be the period August 1919 to July 1929, and, in the case of Burley and flue-cured tobacco, shall be the period August 1934 to July 1939; except that the August 1919-July 1929 base period shall be used in allocating any funds appropriated prior to September 1, 1940.

(2) "Parity", as applied to income, shall be that per capita net income of individuals on farms from farming operations that bears to the per capita net income of individuals not on farms the same relation as prevailed during the period from August 1909 to July

1914.

(3) The term "interstate and foreign commerce" means sale, marketing, trade, and traffic between any State or Territory or the District of Columbia or Puerto Rico, and any place outside thereof; or between points within the same State or Territory or within the District of Columbia or Puerto Rico, through any place outside thereof; or within any Territory or within the District of Columbia or Puerto Rico.

(4) The term "affect interstate and foreign commerce" means, among other things, in such commerce, or to burden or obstruct such commerce or the free and orderly flow thereof; or to create or tend to create a surplus of any agricultural commodity which burdens or obstructs such commerce or the free and orderly flow thereof.

(5) The term "United States" means the several States and Terri-

tories and the District of Columbia and Puerto Rico.

(6) The term "State" includes a Territory and the District of Columbia and Puerto Rico.

(7) The term "Secretary" means the Secretary of Agriculture, and the term "Department" means the Department of Agriculture.

(8) The term "person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or any agency of a State.

(9) The term "corn" means field corn.

Definitions applicable to one or more commodities. (b) For the pur-

poses of this title-

(1) (A) "Actual production" as applied to any acreage of corn means the number of bushels of corn which the local committee determines would be harvested as grain from such acreage if all the corn

on such acreage were so harvested. In case of a disagreement between the farmer and the local committee as to the actual production of the acreage of corn on the farm, or in case the local committee determines that such actual production is substantially below normal, the local committee, in accordance with regulations of the Secretary, shall weigh representative samples of ear corn taken from the acreage involved, make proper deductions for moisture content. and determine the actual production of such acreage on the basis of such samples.

(B) "Actual production" of any number of acres of cotton on a farm means the actual average yield for the farm times such num-

ber of acres.

(2) "Bushel" means in the case of ear corn that amount of ear corn, including not to exceed 151/2 per centum of moisture content, which weighs seventy pounds, and in the case of shelled corn, means that amount of shelled corn including not to exceed 15½ per centum

of moisture content, which weighs fifty-six pounds.

(3) (A) "Carry-over", in the case of corn and rice, for any marketing year shall be the quantity of the commodity on hand in the United States at the beginning of such marketing year, which was produced in the United States prior to the beginning of the calendar vear then current.

(B) "Carry-over" of cotton for any marketing year shall be the quantity of cotton on hand either within or without the United States at the beginning of such marketing year, which was produced in the United States prior to the beginning of the calendar year

then current.

(C) "Carry-over" of tobacco for any marketing year shall be the quantity of such tobacco on hand in the United States at the beginning of such marketing year, which was produced in the United States prior to the beginning of the calendar year then current, except that it shall not include any amount of such tobacco of the 1939 and 1940 crops which the Secretary determines is stored temporarily in the United States because of war or other unusual conditions delaying the normal exportation thereof, and except that in the case of cigar-filler and cigar-binder tobacco the quantity of type 46 on hand and theretofore produced in the United States during such calendar year shall also be included.

(D) "Carry-over" of wheat, for any marketing year shall be the quantity of wheat on hand in the United States at the beginning of such marketing year, not including any wheat which was produced in the United States during the calendar year then current, and not including any wheat held by the Federal Crop Insurance Corpora-

tion under Title V.

(4) (A) "Commercial corn-producing area" shall include all counties in which the average production of corn (excluding corn used as silage) during the ten calendar years immediately preceding the calendar year for which such area is determined, after adjustment for abnormal weather conditions, is four hundred and fifty bushels or more per farm and four bushels or more for each acre of farm land in the county.

(B) Whenever prior to February 1 of any calendar year the Secretary has reason to believe that any county which is not included in the commercial corn-producing area determined pursuant to the provisions of subparagraph (A), but which borders upon one of the counties in such area, or that any minor civil division in a county bordering on such area, is producing (excluding corn used for silage) an average of at least four hundred and fifty bushels of corn per farm and an average of at least four bushels for each acre of farm land in the county or in the minor civil division, as the case may be, he shall cause immediate investigation to be made to determine such fact. If, upon the basis of such investigation, the Secretary finds that such county or minor civil division is likely to produce corn in such average amounts during such calendar year, he shall proclaim such determination, and, commencing with such calendar year, such county shall be included in the commercial corn-producing area. In the case of a county included in the commercial corn-producing area pursuant to this subparagraph, whenever prior to February 1 of any calendar year the Secretary has reason to believe that facts justifying the inclusion of such county are not likely to exist in such calendar year, he shall cause an immediate investigation to be made with respect thereto. If, upon the basis of such investigation, the Secretary finds that such facts are not likely to exist in such calendar year, he shall proclaim such determination, and commencing with such calendar year, such county shall be excluded from the commercial corn-producing area.

(5) "Farm consumption" of corn means consumption by the farmer's family, employees, or household, or by his work stock; or consumption by poultry or livestock on his farm if such poultry or livestock, or the products thereof, are consumed or to be consumed by the

farmer's family, employees, or household.

(6) (A) 'Market", in the case of corn, cotton, rice, tobacco, and wheat, means to dispose of, in raw or processed form, by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos, and, in the case of corn and wheat, by feeding (in any form) to poultry or livestock which, or the products of which, are sold, bartered, or exchanged. or to be so disposed of, but does not include disposing of any of such commodities as premium to the Federal Crop Insurance Corporation under title V.

(B) "Marketed", "marketing" and "for market" shall have corresponding meanings to the term "market" in the connection in which

they are used.

(7) "Marketing year" means, in the case of the following commodities, the period beginning on the first and ending with the second date specified below:

Corn, October 1-September 30; Cotton, August 1-July 31; Rice, August 1-July 31; Tobacco (flue-cured), July 1-June 30; Tobacco (other than flue-cured), October 1-September 30: Wheat, July 1-June 30.

(8) "National average yield" as applied to cotton or wheat shall be the national average yield per acre of the commodity during the ten calendar years in the case of wheat, and during the five calendar years in the case of cotton, preceding the year in which such national average yield is used in any computation authorized in this title, adjusted for abnormal weather conditions and, in the case of wheat, but not in the case of cotton, for trends in yields.

(9) "Normal production" as applied to any number of acres of corn, cotton, or wheat means the normal yield for the farm times

such number of acres.

(10) (A) "Normal supply" in the case of corn, cotton, rice, and wheat shall be a normal year's domestic consumption and exports of the commodity, plus 7 per centum in the case of corn, 40 per centum in the case of cotton, 10 per centum in the case of rice, and 15 per centum in the case of wheat, of a normal year's domestic consumption and exports, as an allowance for a normal carry-over.

(B) The "normal supply" of tobacco shall be a normal year's domestic consumption and exports plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's

exports as an allowance for a normal carry-over.

(11) (A) "Normal year's domestic consumption", in the case of corn and wheat, shall be the yearly average quantity of the commodity, wherever produced, that was consumed* in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

(B) "Normal year's domestic consumption", in the case of cotton and tobacco, shall be the yearly average quantity of the commodity produced in the United States that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

(C) "Normal year's domestic consumption", in the case of rice. shall be the yearly average quantity of rice produced in the United States that was consumed in the United States during the five marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such

consumption.

(12) "Normal year's exports" in the case of corn, cotton, rice, tobacco, and wheat shall be the yearly average quantity of the commodity produced in the United States that was exported from the United States during the ten marketing years (or, in the case of rice, the five marketing years) immediately preceding the marketing year in which such exports are determined, adjusted for current trends

in such exports.

(13) (A) "Normal yield" for any county, in the case of corn or wheat, shall be the average yield per acre of corn or wheat for the county during the ten calendar years immediately preceding the year in which such normal yield is determined, adjusted for abnormal weather conditions and trends in yields. Such normal yield per acre for any county need be redetermined only when the actual average yield for the ten calendar years immediately preceding the calendar year in which such yield is being reconsidered differs by at least 5

^{*&}quot;Consumed" in original.

per centum from the actual average yield for the ten years upon which the existing normal yield per acre for the county was based.

(B) "Normal yield" for any county, in the case of cotton, shall be the average yield per acre of cotton for the county, adjusted for abnormal weather conditions, during the five calendar years immediately

preceding the year in which such normal yield is determined.

(C) In applying subparagraph (A) or (B), if for any such year the data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations issued by the Secretary, shall be used as the actual yield for such year. In applying such subparagraphs, if, on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of such ten-year period or five-year period, as the case may be, is less than 75 per centum of the average (computed without regard to such year) such year shall be eliminated in calculat-

ing the normal yield per acre.

(D) "Normal yield" per acre of rice for any land planted to rice in any year shall be the average yield per acre thereof during the five calendar years immediately preceding the calendar year for which such normal yield is determined. If, for any reason, there is no actual yield or the data therefor are not available for any year, then an appraised yield for such year, determined in accordance with the regulations of the Secretary, shall be used. If the average of the normal yields for all lands planted to rice in any year in the State (weighted by the acreage allotments therein) exceeds the average yield per acre for the State during the period used in determining normal yields, the normal yields for such lands in the State shall be reduced pro rata so that the average of such normal yields shall not exceed such State average yield.

(E) "Normal yield" for any farm, in the case of corn, wheat, or cotton, shall be the average yield per acre of corn, wheat, or cotton, as the case may be, for the farm, adjusted for abnormal weather conditions and, in the case of corn and wheat, but not in the case of cotton, for trends in yields, during the ten calendar years in the case of corn and wheat, and five calendar years in the case of cotton, immediately preceding the year in which such normal yield is determined. If for any such year the data are not available or there is no actual yield, then the normal yield for the farm shall be appraised in accordance with regulations of the Secretary, taking into consideration abnormal weather conditions, the normal yield for the county, and the

vield in years for which data are available.

(14) (A) "Reserve supply level", in the case of corn, shall be a normal year's domestic consumption and exports of corn plus 10 per centum of a normal year's domestic consumption and exports, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty.

(B) "Reserve supply level" of tobacco shall be the normal supply plus 5 per centum thereof, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other

adverse conditions, as well as in years of plenty.

(15) "Tobacco" means each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Numbered 118 of the Bureau of Agricultural Economics of the Department:

Flue-cured tobacco, comprising types 11, 12, 13, and 14; Fire-cured tobacco comprising types 21, 22, 23, and 24; Dark air-cured tobacco, comprising types 35 and 36; Virginia sun-cured tobacco, comprising type 37; Burley tobacco, comprising type 31;

Maryland tobacco, comprising type 32;

Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 45, 46, 51, 52, 53, 54, and 55;

Cigar-filler tobacco, comprising type 41.

The provisions of this title shall apply to each of such kinds of tobacco severally: *Provided*, That any one or more of the types comprising any such kind of tobacco shall be treated as a "kind of tobacco" for the purposes of this Act if the Secretary finds there is a difference in supply and demand conditions as among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand.

(16) (A) "Total supply" of corn, cotton, rice, and wheat for any marketing year shall be the carry-over of the commodity for such marketing year plus the estimated production of the commodity in the United States during the calendar year in which such marketing

year begins.

(B) "Total supply" of tobacco for any marketing year shall be the carry-over at the beginning of such marketing year plus the estimated production thereof in the United States during the calendar year in which such marketing year begins, except that the estimated production of type 46 tobacco during the marketing year with respect to which the determination is being made shall be used in lieu of the estimated production of such type during the calendar year in which such marketing year begins in determining the total supply of cigar-filler and cigar-binder tobacco.

Use of Federal statistics. (c) The latest available statistics of the Federal Government shall be used by the Secretary in making the determinations required to be made by the Secretary under this Act. (Feb. 16, 1938, Title III, sec. 301, 52 Stat. 38; as amended April 7, 1938, secs. 2–4, 52 Stat. 202; June 13, 1940, sec. 1, 54 Stat. 392; July 2, 1940, secs. 3, 4, 5, 54 Stat. 727, 728; Nov. 22, 1940, secs. 1, 3, 4, 54 Stat. 1209; Nov. 25, 1940, 54 Stat. 1211; 7 U. S. C., sec. 1301 (a) to (c).)

630-127. Loans by Commodity Credit Corporation on agricultural com-

modities .--

Loans authorized; terms and conditions. (a) The Commodity Credit Corporation is authorized, upon recommendation of the Secretary and with the approval of the President, to make available loans on agricultural commodities (including dairy products). Except as otherwise provided in this section, the amount, terms, and conditions of such loans shall be fixed by the Secretary, subject to the approval of the Corporation and the President.

Wheat loans. (b) The Corporation is directed to make available to cooperators loans upon wheat during any marketing year beginning in a calendar year in which the farm price of wheat on June 15 or at

any time thereafter during such marketing years; is below 52 per centum of the parity price at any such time, or the July crop estimate for wheat is in excess of a normal year's domestic consumption and exports, at rates not less than 52 per centum and not more than 75 per centum of the parity price of wheat at the beginning of the marketing year. In case marketing quotas for wheat are in effect in any marketing year, the Corporation is directed to make available, during such marketing year, to noncooperators, loans upon wheat at 60 per centum of the rate applicable to cooperators. A loan on wheat to a noncooperator shall be made only on so much of his wheat as would be

subject to penalty if marketed.

Cotton loans. (c) The Corporation is directed to make available to cooperators loans upon cotton during any marketing year beginning in a calendar year in which the average price on August 1 or at any time thereafter during such marketing year of seven-eighths Middling spot cotton on the ten markets designated by the Secretary is below 52 per centum of the parity price of cotton at any such time, or the August crop estimate for cotton is in excess of a normal year's domestic consumption and exports, at rates not less than 52 per centum and not more than 75 per centum of the parity price of cotton as of the beginning of the marketing year. In case marketing quotas for cotton are in effect in any marketing year, the Corporation is directed to make available, during such marketing year, to noncooperators, loans upon cotton at 60 per centum of the rate applicable to cooperators. A loan on cotton to a noncooperator shall be made only on so much of his cotton as would be subject to penalty if marketed.

Corn loans. (d) The Corporation is directed to make available loans upon corn during any marketing year beginning in the calendar year in which the November crop estimate for corn is in excess of a normal year's domestic consumption and exports, or in any marketing year when on November 15 or at any time thereafter during such marketing year the farm price of corn is below 75 per centum of the parity price,

at the following rates:

75 per centum of such parity price if such estimate does not exceed a normal year's consumption and exports and the farm price of corn is below 75 per centum of the parity price on November 15 or at any time thereafter during such marketing year;

70 per centum of such parity price if such estimate exceeds a normal year's domestic consumption and exports by not more

than 10 per centum;

65 per centum of such parity price if such estimate exceeds a normal year's domestic consumption and exports by more than 10 per centum and not more than 15 per centum;

60 per centum of such parity price if such estimate exceeds a normal year's domestic consumption and exports by more than

15 per centum and not more than 20 per centum;

55 per centum of such parity price if such estimate exceeds a normal year's domestic consumption and exports by more than

20 per centum and not more than 25 per centum;

52 per centum of such parity price if such estimate exceeds a normal year's domestic consumption and exports by more than 25 per centum.

Loans shall be made to cooperators in the commercial corn-producing area at the applicable rate of the above schedule. Loans shall be made to noncooperators within such commercial corn-producing area but only during a marketing year in which farm marketing quotas are in effect and only on corn stored under seal pursuant to section 324, and the rate of such loans shall be 60 per centum of the applicable rate under the above schedule. Loans shall be made to coopertors outside such commercial corn-producing area, and the rate of such loans shall be 75 per centum of the applicable rate under the above schedule.

Rates of loans for non-standard commodities. (e) The rates of loans under subsections (b), (c), and (d) on wheat, cotton, and corn not of standard grade, type, staple, or quality shall be increased or decreased in relation to the rates above provided by such amounts as the Secretary prescribes as properly reflecting differences from standard

in grade, type, staple, and quality.

Cooperator defined. (f) For the purposes of subsections (b), (c), and (d), a cooperator shall be a producer on whose farm the acreage planted to the commodity for the crop with respect to which the loan is made does not exceed the farm acreage allotment for the commodity under this title, or, in the case of loans upon corn to a producer outside the commercial corn-producing area, a producer on whose farm the acreage planted to soil-depleting crops does not exceed the farm acreage allotment for soil-depleting crops for the year in which the loan is made under the Soil Conservation and Domestic Allotment Act, as amended. For the purposes of this subsection a producer shall not be deemed to have exceeded his farm acreage allotment unless such producer knowingly exceeded his farm acreage allotment.

Prohibition of loans after adverse referendum. (g) Notwithstanding any other provision of this section, if the farmers producing cotton, wheat, corn, or rice indicate by vote in a referendum carried out pursuant to the provisions of this title that marketing quotas with respect to such commodity are opposed by more than one-third of the farmers voting in such referendum, no loan shall be made pursuant to this section with respect to the commodity during the period from the date on which the results of the referendum are proclaimed by the Secretary until the beginning of the second succeeding marketing year for such commodity. This subsection shall not limit the availability or renewal

of any loan previously made.

Exemption from liability for deficiency from sale of collateral. (h) No producer shall be personally liable for any deficiency arising from the sale of the collateral securing any loan under this section unless such loan was obtained through fraudulent representations by the producer.

Utilization of Departmental services and personnel. (i) In carrying out this section the Corporation is directed, with the consent of the Secretary, to utilize the services, facilities, and personnel of the Department. (Feb. 16, 1938, Title III, sec. 302, 52 Stat. 43, as amended June 21, 1938,

Title V, sec. 502, 52 Stat. 820; 7 U.S.C., sec. 1302 (a) to (i).)

630-128. Parity payments.—If and when appropriations are made therefor, the Secretary is authorized and directed to make payments to producers of corn, wheat, cotton, rice, or tobacco, on their normal production of such commodities in amounts which, together with the proceeds thereof, will provide a return to such producers which is as nearly equal to parity price as the funds so made available will permit.

All funds available for such payments with respect to these commodities shall, unless otherwise provided by law, be apportioned to these commodities in proportion to the amount by which each fails to reach the parity income. Such payments shall be in addition to and not in substitution for any other payments authorized by law. (Feb 16, 1938,

Title III, sec. 303, 52 Stat. 45; 7 U. S. C., sec. 1303.)

630-129. Consumer safeguards.—The powers conferred under this Act shall not be used to discourage the production of supplies of foods and fibers sufficient to maintain normal domestic human consumption as determined by the Secretary from the records of domestic human consumption in the years 1920 to 1929, inclusive, taking into consideration increased population, quantities of any commodity that were forced into domestic consumption by decline in exports during such period, current trends in domestic consumption and exports of particular commodities, and the quantities of substitutes available for domestic consumption within any general class of food commodities. In carrying out the purposes of this Act it shall be the duty of the Secretary to give due regard to the maintenance of a continuous and stable supply of agricultural commodities from domestic production adequate to meet consumer demand at prices fair to both producers and consumers. (Feb. 16, 1938, Title III, sec. 304, 52 Stat. 45; 7 U. S. C., sec. 1304.)

630-130. Marketing quotas, tobacco; legislative finding of effect on interstate and foreign commerce and necessity of regulation.—(a) The marketing of tobacco constitutes one of the great basic industries of the United States with ramifying activities which directly affect interstate and foreign commerce at every point, and stable conditions therein are necessary to the general welfare. Tobacco produced for market is sold on a Nation-wide market and, with its products, moves almost wholly in interstate and foreign commerce from the producer to the ultimate consumer. The farmers producing such commodity are subject in their operations to uncontrollable natural causes, are widely scattered throughout the Nation, in many cases such farmers carry on their farming operations on borrowed money or leased lands, and are not so situated as to be able to organize effectively, as can labor and industry through unions and corporations enjoying Government protection and sanction. For these reasons, among others, the farmers are unable without Federal assistance to control effectively the orderly marketing of such commodity with the result that abnormally excessive supplies thereof are produced and dumped indiscriminately on the Nation-wide market.

(b) The disorderly marketing of such abnormally excessive supplies affects, burdens, and obstructs interstate and foreign commerce by (1) materially affecting the volume of such commodity marketed therein, (2) disrupting the orderly marketing of such commodity therein, (3) reducing the price for such commodity with consequent injury and destruction of interstate and foreign commerce in such commodity, and (4) causing a disparity between the prices for such commodity in interstate and foreign commerce and industrial products therein, with a consequent diminution of the volume of interstate and

foreign commerce in industrial products.

(c) Whenever an abnormally excessive supply of tobacco exists, the marketing of such commodity by the producers thereof directly and

substantially affects interstate and foreign commerce in such commodity and its products, and the operation of the provisions of this Part becomes necessary and appropriate in order to promote, foster, and maintain an orderly flow of such supply in interstate and foreign commerce. (Feb. 16, 1938, Title III, sec. 311, 52 Stat. 45; 7 U. S. C., sec. 1311.)

630-131. National marketing quota.-

Proclamation of quota. (a) Whenever the Secretary finds that the total supply of tobacco as of the beginning of the marketing year then current exceeds the reserve supply level therefor, the Secretary shall proclaim the amount of such total supply, and, beginning on the first day of the marketing year next following and continuing throughout such year, a national marketing quota shall be in effect for the tobacco marketed during such marketing year. The Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed, which will make available during such marketing year a supply of tobacco equal to the reserve supply level. Such proclamation shall be made not later than the 1st day of December in such year. The amount of the national marketing quota so proclaimed may, not later than December 31, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands, or to avoid undue restriction of marketing in adjusting the total supply to the

reserve supply level.

Referendum of quotas. (b) Within thirty days after the date of the issuance of the proclamation specified in subsection (a) of this section, the Secretary shall conduct a referendum of farmers who were engaged in production of the crop of tobacco harvested prior to the holding of the referendum to determine whether such farmers are in favor of or opposed to such quota. If more than one-third of the farmers voting in the referendum oppose such quota, the Secretary shall, prior to the 1st day of January, proclaim the result of the referendum and such quota shall not be effective thereafter. In the same referendum the Secretary shall also submit to such farmers the question of whether they favor tobacco marketing quotas for a period of three years, beginning with the marketing year next following. If twothirds of the farmers voting on this question favor marketing quotas for a three-year period, the Secretary shall proclaim marketing quotas for such period, and beginning on the first day of the marketing year next following and continuing throughout the period so proclaimed, a national marketing quota shall be in effect for the tobacco marketed during each marketing year in said period unless amendments are made in the provisions for determining farm allotments so as to cause material revision of such allotments before the end of such period. If more than one-third of the farmers voting on this question oppose marketing quotas for the three-year period, such results shall be proclaimed by the Secretary and quotas for a longer period than one year shall not be in effect, but such result shall in no wise affect or limit the proclamation and submission to a referendum, as otherwise provided in this section, of a national marketing quota for any marketing year thereafter. (Feb. 16, 1938; Title III, sec. 312, 52 Stat. 46, as amended Mar. 26, 1938, 52 Stat. 120; Aug. 7,

1939, 53 Stat. 1261; Aug. 7, 1939, 53 Stat. 1261; June 13, 1940, secs. 2, 3, 54 Stat. 392; Nov. 22, 1940, secs. 2, 5, 54 Stat. 1209, 1210; 7 U. S. C., sec. 1312.)

630-132. Apportionment of national marketing quota.-

Apportionment among States. (a) The national marketing quota for tobacco established pursuant to the provisions of section 312, less the amount to be allotted under subsection (c) of this section, shall be apportioned by the Secretary among the several States on the basis of the total production of tobacco in each State during the five calendar years immediately preceding the calendar year in which the quota is proclaimed (plus, in applicable years, the normal production on the acreage diverted under previous agricultural adjustment and conservation programs), with such adjustments as are determined to be necessary to make correction for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such fiveyear period. Notwithstanding any other provision of this section and section 312, except the provisions in subsection (g) of this section relating to reduction of allotments, for any of the three marketing years, 1941-1942 to 1943-1944, in which a national marketing quota is in effect for burley or flue-cured tobacco, such national marketing quota shall not be reduced below the 1940-1941 national marketing quota by more than 10 per centum and the farm-acreage allotments (other than allotments established in each year under subsection (g) of this section for farms on which no tobacco was produced in the last five years) shall be determined by increasing or decreasing the farmacreage allotments established in the last preceding year in which marketing quotas were in effect in the same ratio as such national marketing quota is increased or decreased above or below the last preceding national marketing quota: Provided, That in the case of flue-cured tobacco no allotment shall be decreased below the 1940 allotment if such allotment was two acres or less, and in the case of burley tobacco no allotment shall be decreased below the 1939 allotment if such allotment was one-half acre or less, or below the 1940 allotment if such allotment was over one-half acre and not over one acre: And provided further, That an additional acreage not in excess of 2 per centum of the total acreage allotted to all farms in each State in 1940 shall be allotted by the local committees, without regard to the ratio aforesaid, among farms in the State in accordance with regulations prescribed by the Secretary so as to establish allotments which the committees find will be fair and equitable in relation to the past acreage of tobacco (harvested and diverted); land, labor, and equipment available for the production of tobacco; and crop rotation practices.

Allotment of quota among producing farms. (b) The Secretary shall provide, through the local committees, for the allotment of the marketing quota for any State among the farms on which tobacco is produced, on the basis of the following: Past marketing of tobacco, making due allowance for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That, except for farms on which for the first time in five

years tobacco is produced to be marketed in the marketing year for which the quota is effective, the marketing quota for any farm shall not be less than the smaller of either (1) three thousand two hundred pounds, in the case of flue-cured tobacco, and two thousand four hundred pounds, in the case of other kinds of tobacco, or (2) the average tobacco production for the farm during the preceding three years, plus the average normal production of any tobacco acreage diverted under agricultural adjustment and conservation programs during such

preceding three years.

Allotment to previous nonproducing farms and small farms. (c) The Secretary shall provide, through local committees, for the allotment of not in excess of 5 per centum of the national marketing quota (1) to farms in any State whether it has a State quota or not on which for the first time in five years tobacco is produced to be marketed in the year for which the quota is effective and (2) for further increase of allotments to small farms pursuant to the proviso in subsection (b) of this section on the basis of the following: Land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco: Provided, That farm marketing quotas established pursuant to this subsection for farms on which tobacco is produced for the first time in five years shall not exceed 75 per centum of the farm marketing quotas established pursuant to subsection (b) of this section for farms which are similar with respect to the following: Land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

Transfer of farm marketing quotas. (d) Farm marketing quotas may be transferred only in such mannner and subject to such conditions

as the Secretary may prescribe by regulations.

Quota for 1938; minimum State allotments. (e) In case of flue-cured tobacco, the national quota for 1938 is increased by a number of pounds required to provide for each State in addition to the State poundage allotment a poundage not in excess of 4 per centum of the allotment which shall be apportioned in amounts which the Secretary determines to be fair and reasonable to farms in the State receiving allotments under the Agricultural Adjustment Act of 1938 which the Secretary determines are inadequate in view of past production of tobacco, and for each year by a number of pounds sufficient to assure that any State receiving a State poundage allotment of flue-cured tobacco shall receive a minimum State poundage allotment of flue-cured tobacco equal to the average national yield for the preceding five years of five hundred acres of such tobacco.

Increase of 1938 quota. (f) In the case of fire-cured and dark aircured and burley tobacco, the national quota for 1938 is increased by a number of pounds required to provide for each State in addition to the State poundage allotment a poundage not in excess of 2 per centum of the allotment which shall be apportioned in amounts which the Secretary determines to be fair and reasonable to farms in the State receiving allotments under this section which the Secretary determines are inadequate in view of past production of tobacco.

determines are inadequate in view of past production of tobacco.

Conversion of State marketing quota into State acreage allotment. (g)

Notwithstanding any other provision of this section, the Secretary

on the basis of average yield per acre of tobacco for the State during the five years last preceding the year in which the national marketing quota is proclaimed, adjusted for abnormal conditions of production, may convert the State marketing quota into a State acreage allotment, and allot the same through the local committees among farms on the basis of the factors set forth in subsection (b), using past acreage (harvested and diverted) in lieu of the past marketing of tobacco; and the Secretary on the basis of the national average yield during the same period, similarly adjusted, may also convert into an acreage allotment the amount reserved from the national quota pursuant to the provisions of subsection (c) and on the basis of the factors set forth in subsection (c) and the past tobacco experience of the farm operator, allot the same through the local committees among farms on which no tobacco was produced during the last five years. Except for farms last mentioned or a farm operated, controlled, or directed by a person who also operates, controls, or directs another farm on which tobacco is produced, the farm-acreage allotment shall be increased by the smaller of (1) 20 per centum of such allotment or (2) the percentage by which the normal yield of such allotment (as determined through the local committees in accordance with regulations prescribed by the Secretary) is less than three thousand two hundred pounds, in the case of flue-cured tobacco, and two thousand four hundred pounds in the case of other kinds of tobacco: Provided, That the normal yield of the estimated number of acres so added to farm acreage allotments in any State shall be considered as a part of the State marketing quota in applying the proviso in subsection (a). The actual production of the acreage allotment established for a farm pursuant to this subsection shall be the amount of the farm marketing quota. If any amount of tobacco shall be marketed as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments next established for both such farms shall be reduced by that percentage which such amount was of the respective farm marketing quota, except that such reduction for any such farm shall not be made if the Secretary through the local committees finds that no person connected with such farm caused, aided, or acquiesced in such marketing; and if proof of the disposition of any amount of tobacco is not furnished as required by the Secretary, the acreage allotment next established for the farm on which such tobacco is produced shall be reduced by a percentage similarly computed. (Feb. 16, 1938, title III, sec. 313, 52 Stat. 47, as amended April 7, 1938, sec. 5, 52 Stat. 202; May 31, 1938, sec. 2, 52 Stat. 586; Aug. 7, 1939, 53 Stat. 1261, June 13, 1940, sec. 4, 54 Stat. 392; 7 U. S. C., sec. 1313 (a) to (g).) 630-133. Penalties. (a) The marketing of any tobacco in excess of the marketing quota for the farm on which the tobacco is produced shall

630-133. Penalties. (a) The marketing of any tobacco in excess of the marketing quota for the farm on which the tobacco is produced shall be subject to a penalty of 10 cents per pound in the case of flue-cured, Maryland, or Burley tobacco and 5 cents per pound in the case of all other kinds of tobacco. Such penalty shall be paid by the person who acquires such tobacco from the producer but an amount equivalent to the penalty may be deducted by the buyer from the price paid to the producer in case such tobacco is marketed by sale; or, if the tobacco is marketed by the producer through a warehouseman or

other agent, such penalty shall be paid by such warehouseman or agent who may deduct an amount equivalent to the penalty from the price paid to the producer: Provided, That in case any tobacco is marketed directly to any person outside the United States the penalty shall be paid and remitted by the producer. If any producer falsely identifies or fails to account for the disposition of any tobacco, an amount of tobacco equal to the normal yield of the number of acres harvested in excess of the farm-acreage allotment shall be deemed to have been marketed in excess of the marketing quota for the farm, and the penalty in respect thereof shall be paid and remitted by the producer. Tobacco carried over by the producer thereof from one marketing year to another may be marketed without payment of the penalty imposed by this section if the total amount of tobacco available for marketing from the farm in the marketing year from which the tobacco is carried over did not exceed the farm marketing quota established for the farm for such marketing year (or which would have been established if marketing quotas had been in effect for such marketing year), or if the tobacco so carried over does not exceed the normal production of that number of acres by which the harvested acreage of tobacco in the calendar year in which the marketing year begins is less than the farm-acreage allotment. Tobacco produced in a calendar year in which marketing quotas are in effect for the marketing year beginning therein shall be subject to such quotas even though it is marketed prior to the date on which such marketing year begins.

(b) The Secretary shall require collection of the penalty upon a proportion of each lot of tobacco marketed from the farm equal to the proportion which the tobacco available for marketing from the farm in excess of the farm marketing quota is of the total amount of tobacco available for marketing from the farm if satisfactory proof is not furnished as to the disposition to be made of such excess tobacco prior to the marketing of any tobacco from the farm. All funds collected pursuant to this section shall be deposited in a special deposit account with the Treasurer of the United States until the end of the marketing year next succeeding that in which the funds are collected, and upon certification by the Secretary there shall be paid out of such special deposit account to persons designated by the Secretary the amount by which the penalty collected exceeds the amount of penalty due upon tobacco marketed in excess of the farm marketing quota for any farm. Such special account shall be administered by the Secretary, and the basis for, the amount of, and the person entitled to receive a payment from such account, when determined in accordance with regulations prescribed by the Secretary, shall be final and conclusive. (Feb. 16, 1938, title III, sec. 314, 52 Stat. 48, as amended Aug. 7, 1939, 53 Stat. 1262;

June 13, 1940, sec. 5, 54 Stat. 393; 7 U. S. C., sec. 1314.)

630-144. Marketing quota, corn; legislative finding of effect on interstate and foreign commerce and necessity of regulation.—Corn is a basic source of food for the Nation, and corn produced in the commercial corn-producing area moves almost wholly in interstate and foreign commerce in the form of corn, livestock, and livestock products.

Abnormally excessive and abnormally deficient supplies of corn acutely and directly affect, burden, and obstruct interstate and foreign commerce in corn, livestock, and livestock products. When abnor-

mally excessive supplies exist, transportation facilities in interstate and foreign commerce are overtaxed, and the handling and processing facilities through which the flow of interstate and foreign commerce in corn, livestock, and livestock products is directed become acutely congested. Abnormally deficient supplies result in substantial decreases in livestock production and in an inadequate flow of livestock and livestock products in interstate and foreign commerce, with the consequence of unreasonably high prices to consumers.

Violent fluctuations from year to year in the available supply of corn disrupt the balance between the supply of livestock and livestock products moving in interstate and foreign commerce and the supply of corn available for feeding. When available supplies of corn are excessive, corn prices are low and farmers overexpand livestock production in order to find outlets for corn. Such expansion, together with the relative scarcity and high price of corn, forces farmers to market abnormally excessive supplies of livestock in interstate commerce at sacrifice prices, endangering the financial stability of producers, and overtaxing handling and processing facilities through which the flow of interstate and foreign commerce in livestock and livestock products is directed. Such excessive marketings deplete livestock on farms, and livestock marketed in interstate and foreign commerce consequently becomes abnormally low, with resultant high prices to consumers and danger to the financial stability of persons engaged in transporting, handling, and processing livestock in interstate and foreign commerce. These high prices in turn result in another overexpansion of livestock production.

Recurring violent fluctuations in the price of corn resulting from corresponding violent fluctuations in the supply of corn directly affect the movement of livestock in interstate commerce from the range cattle regions to the regions where livestock is fattened for market in interstate and foreign commerce, and also directly affect the movement in interstate commerce of corn marketed as corn which is transported from the regions where produced to the regions where livestock is fattened for market in interstate and foreign commerce.

Substantially all the corn moving in interstate commerce, substantially all the corn fed to livestock transported in interstate commerce for fattening, and substantially all the corn fed to livestock marketed in interstate and foreign commerce, is produced in the commercial corn-producing area. Substantially all the corn produced in the commercial corn-producing area, with the exception of a comparatively small amount used for farm consumption, is either sold or transported in interstate commerce, or is fed to livestock transported in interstate and foreign commerce. Almost all the corn produced outside the commercial corn-producing area is either consumed, or is fed to livestock which is consumed, in the State in which such corn is produced.

The conditions affecting the production and marketing of corn and the livestock products of corn are such that, without Federal assistance, farmers, individually or in cooperation, cannot effectively prevent the recurrence of disparities between the supplies of livestock moving in interstate and foreign commerce and the supply of corn available for feeding, and provide for orderly marketing of corn in interstate and

foreign commerce and livestock and livestock products in interstate

and foreign commerce.

The national public interest requires that the burdens on interstate and foreign commerce above described be removed by the exercise of Federal power. By reason of the administrative and physical impracticability of regulating the movement of livestock and livestock products in interstate and foreign commerce and the inadequacy of any such regulation to remove such burdens, such power can be feasibly exercised only by providing for the withholding from market of excessive and burdensome supplies of corn in times of excessive production, and providing a reserve supply of corn available for market in times of deficient production, in order that a stable and continuous flow of livestock and livestock products in interstate and foreign commerce may at all times be assured and maintained. (Feb. 16, 1938, title III, sec. 321, 52 Stat. 48; 7 U. S. C., sec. 1321.)

630-135. Farm marketing quotas.—

Establishment. (a) Whenever in any calendar year the Secretary determines from available statistics of the Department, including the August production estimate officially published by the Division of Crop and Livestock Estimates of the Bureau of Agricultural Economics of the Department, that the total supply of corn as of October 1 will exceed the normal supply thereof by more than 10 per centum, marketing quotas shall be in effect in the commercial corn-producing area for the crop of corn grown in such area in such calendar year, and shall remain in effect until terminated in accordance with the provisions of this title.

Marketing percentage, determination. (b) The Secretary shall determine, on the basis of the estimated average yield of corn in such area for such crop, the acreage in such area which the Secretary determines would make available for the marketing year beginning October 1 a supply of corn (together with the estimated production of corn in the United States outside such area) equal to the normal supply. The percentage which the number of acres so determined is of the total number of acres of the acreage allotment under section 328 shall be proclaimed by the Secretary. Such percentage is referred to herein as the "marketing percentage".

Time for proclamations of quotas. (c) The Secretary shall proclaim his determinations of facts under subsection (a) and his determination of the marketing percentage under subsection (b) not later than

August 15.

Referendum on quota. (d) Within twenty days after the date of the issuance of the proclamation provided for in subsection (c) of this section, the Secretary shall conduct a referendum, by secret ballot, of farmers who would be subject to such quotas to determine whether such farmers are in favor of or opposed to such quotas. If more than one-third of the farmers voting in the referendum oppose such quotas, the Secretary shall, prior to September 10, proclaim the result of the referendum and such quotas shall not become effective.

Suspension of quota by proclamation. (e) Whenever it shall appear from the September production estimates officially published by the Division of Crop and Livestock Estimates of the Bureau of Agricultural Economics of the Department, that the total supply of corn as of the beginning of the next succeeding marketing year will not

exceed the normal supply by more than 10 per centum thereof, the Secretary shall proclaim such fact prior to September 20, if farm marketing quotas have been proclaimed for such marketing year. Thereupon such quotas shall not become effective. (Feb. 16, 1938, Title III, sec. 322, 52 Stat. 49; 7 U. S. C., sec. 1322 (a) to (e)).)

630–136. Same; time for proclamations; marketing percentage.—That notwithstanding the provisions of section 322 of the Agricultural Adjustment Act of 1938, as amended, the determinations under subsection (c) may be proclaimed at any time prior to September 15, the result of the referendum under subsection (d) may be proclaimed at any time prior to October 10, and the marketing percentage under subsection (b) shall be 100 per centum. (July 26, 1939, 53 Stat. 1125; 7 U. S. C., sec. 1322a.)

630-137. Amount of farm marketing quota.—(a) The farm marketing quota for any farm with respect to any crop of corn shall be an

amount of corn equal to the sum of-

(1) The amount of corn used as silage; and

(2) The actual production of the acreage of corn not used as silage less the amount required for farm consumption and less the storage amount applicable to the farm as ascertained under section 324.

(b) No farm marketing quota with respect to any crop of corn shall be applicable to any farm on which the normal production of the acreage planted to corn is less than three hundred bushels. (Feb. 16, 1938, Title III, sec. 323, 52 Stat. 50; 7 U. S. C., sec. 1323.)

630-138. Storage amounts.—(a) If the acreage of corn on the farm does not exceed the marketing percentage of the farm acreage allot-

ment, there shall be no storage amount.

(b) If the acreage of corn on the farm exceeds the marketing percentage of the farm acreage allotment, the storage amount shall be a number of bushels equal to the smallest of the following amounts—

(1) The normal production of the acreage of corn on the farm in excess of the marketing percentage of the farm acreage allotment;

(2) The amount by which the actual production of the acreage of corn on the farm exceeds the normal production of the marketing percentage of the farm acreage allotment; or

(3) The amount of the actual production of the acreage of

corn on the farm not used for silage.

(c) If the storage amount ascertained under subsection (b) is less than 100 bushels, there shall be no storage amount. (Feb. 16, 1938, Title III, sec. 324, 52 Stat. 50; 7 U. S. C., sec. 1324.)

630-139. Penalties .-

Marketing in excess of quota. (a) Any farmer who, while any farm marketing quota is in effect for his farm with respect to any crop of corn, markets corn produced on the farm in an amount which is in excess of the aggregate of the farm marketing quotas for the farm in effect at such time, shall be subject to a penalty of 15 cents per bushel of the excess so marketed. Liability for such penalty shall not accrue until the amount of corn stored under seal on such farm or in storage

cribs rented by the farmer or under his control is less than the storage amount applicable to such crop plus the storage amounts, if any,

applicable to other crops.

Presumptions and burden of proof. (b) If there is stored under seal on the farm or in such cribs an amount of corn equal at least to the storage amount applicable to such crop plus such storage amounts applicable to such other crops, the farmer shall be presumed not to be violating the provisions of subsection (a). When the amount of corn stored under seal on the farm or in such cribs is less than the storage amount applicable to such crop plus such storage amounts applicable to such other crops, the farmer shall be presumed to have marketed, while farm marketing quotas were in effect, corn in violation of the provisions of subsection (a) to the extent that the amount of corn so stored is less than the aggregate of such storage amounts. In any action brought to enforce the collection of penalties provided for in this section, the farmer, to the extent that the amount of corn so stored is less than the aggregate of such storage amounts shall have the burden of proving that he did not market corn in violation of the provisions of subsection (a).

Corn deemed stored under seal. (c) For the purposes of this Part, corn shall be deemed to be stored by the farmer under seal only if stored in such manner as to conform to the requirements of such regulations as the Secretary shall prescribe in order more effectively to administer this Part. (Feb. 16, 1938, Title III, sec. 325, 52 Stat.

51; 7 U. S. C., sec. 1325 (a) to (c).

630-140. Adjustment of farm marketing quotas.—(a) Whenever in any county or other area the Secretary finds that the actual production of corn plus the amount of corn stored under seal in such county or other area is less than the normal production of the marketing percentage of the farm acreage allotments in such county or other area, the Secretary shall terminate farm marketing quotas for corn in such county or other area.

(b) Whenever, upon any farm, the actual production of the acreage of corn is less than the normal production of the marketing percentage of the farm acreage allotment, there may be marketed, without penalty, from such farm an amount of corn from the corn stored under seal pursuant to section 324 which, together with the actual production of the then current crop, will equal the normal production of the marketing percentage of the farm acreage allotment.

(c) Whenever, in any marketing year, marketing quotas are not in effect with respect to the crop of corn produced in the calendar year in which such marketing year begins, all marketing quotas applicable to previous crops of corn shall be terminated. (Feb. 16,

1938, Title III, sec. 326, 52 Stat. 51; 7 U. S. C., sec. 1326.)

630-141. Proclamations of supplies and commercial corn-producing area.—Not later than September 1, the Secretary shall ascertain and proclaim the total supply, the normal supply, and the reserve supply level for such marketing year. Not later than February 1, the Secretary shall ascertain and proclaim the commercial corn-producing area. The ascertainment and proclamation of the commercial corn-producing area for 1938 shall be made not later than ten days after the date of the enactment of this Act. (Feb. 16, 1938, Title III, sec. 327, 52 Stat. 51; 7 U. S. C., sec. 1327.)

630-142. Acreage allotment; proclamations.—The acreage allotment of corn for any calendar year shall be that acreage in the commercial corn-producing area which, on the basis of the average yield for corn in such area during the ten calendar years immediately preceding such calendar year, adjusted for abnormal weather conditions and trends in yield, will produce an amount of corn in such area which the Secretary determines will, together with corn produced in the United States outside the commercial corn-producing area, make available a supply for the marketing year beginning in such calendar year, equal to the reserve supply level. The Secretary shall proclaim such acreage allotment not later than February 1 of the calendar year for which such acreage allotment was determined. The proclamation of the acreage allotment for 1938 shall be made as soon as practicable after the date of the enactment of this Act. (Feb. 16, 1938, Title III, sec. 328, 52 Stat. 52, as amended Apr. 7, 1938, sec. 6, 52 Stat. 202; 7 U. S. C., sec 1328.)

630-143. Apportionment of acreage allotment.—(a) The acreage allotment for corn shall be apportioned by the Secretary among the counties in the commercial corn-producing area on the basis of the acreage seeded for the production of corn during the ten calendar years immediately preceding the calendar year in which the apportionment is determined (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and for trends in acreage during such period and for the promotion of soil-conservation practices: *Provided*, That any downward adjustment for the promotion of soil-conservation practices shall not exceed 2 per centum of the total acreage allotment that would otherwise be made to such county.

(b) The acreage allotment to the county for corn shall be apportioned by the Secretary, through the local committees, among the farms within the county on the basis of tillable acreage, crop-rotation practices, type of soil, and topography. (Feb. 16, 1938, Title III, sec. 329,

52 Stat. 52; 7 U. S. C., sec. 1329.)

630-144. Marketing quota, wheat; legislative finding of effect on interstate and foreign commerce and necessity of regulation.—Wheat is a basic source of food for the Nation, is produced throughout the United States by more than a million farmers, is sold on the country-wide market and, as what or flour, flows almost entirely through instrumentalities of interstate and foreign commerce from producers to consumers.

Abnormally excessive and abnormally deficient supplies of wheat on the country-wide market acutely and directly affect, burden, and obstruct interstate and foreign commerce. Abnormally excessive supplies overtax the facilities of interstate and foreign transportation, congest terminal markets and milling centers in the flow of wheat from producers to consumers, depress the price of wheat in interstate and foreign commerce, and otherwise disrupt the orderly marketing of such commodity in such commerce. Abnormally deficient supplies result in an inadequate flow of wheat and its products in interstate and foreign commerce with consequent injurious effects to the instrumentalities of such commerce and with excessive increases in the prices of wheat and its products in interstate and foreign commerce.

It is in the interest of the general welfare that interstate and foreign commerce in wheat and its products be protected from such burdensome surpluses and distressing shortages, and that a supply of wheat be maintained which is adequate to meet domestic consumption and export requirements in years of drought, flood, and other adverse conditions as well as in years of plenty, and that the soil resources of the Nation be not wasted in the production of such burdensome surpluses. Such surpluses result in disastrously low prices of wheat and other grains to wheat producers, destroy the purchasing power of grain producers for industrial products, and reduce the value of the agricultural assets supporting the national credit structure. Such shortages of wheat result in unreasonably high prices of flour and bread to consumers and loss of market outlets by wheat producers.

The conditions affecting the production and marketing of wheat are such that, without Federal assistance, farmers, individually or in cooperation, cannot effectively prevent the recurrence of such surpluses and shortages and the burdens on interstate and foreign commerce resulting therefrom, maintain normal supplies of wheat, or provide for the orderly marketing thereof in interstate and foreign

commerce.

The provisions of this Part affording a cooperative plan to wheat producers are necessary in order to minimize recurring surpluses and shortages of wheat in interstate and foreign commerce, to provide for the maintenance of adequate reserve supplies thereof, and to provide for an adequate flow of wheat and its products in interstate and foreign commerce. The provisions hereof for regulations of marketings by producers of wheat whenever an abnormally excessive supply of such commodity exists are necessary in order to maintain an orderly flow of wheat in interstate and foreign commerce under such conditions. (Feb. 16, 1938, Title III, sec. 331, 52 Stat. 52; 7 U. S. C., sec. 1331.)

630-145. Proclamations of supplies and allotments.—Not later than July 15 of each marketing year for wheat, the Secretary shall ascertain and proclaim the total supply and the normal supply of wheat for such marketing year, and the national acreage allotment for the next crop of wheat. (Feb. 16, 1938, Title III, sec. 332, 52 Stat. 53;

7 U. S. C., sec. 1332.)

630-146. National acreage allotment.—The national acreage allotment for any crop of wheat shall be that acreage which the Secretary determines will, on the basis of the national average yield for wheat, produce an amount thereof adequate, together with the estimated carry-over at the beginning of the marketing year for such crop, to make available a supply for such marketing year equal to a normal year's domestic consumption and exports plus 30 per centum thereof. The national acreage allotment for wheat for 1938 shall be sixty-two million five hundred thousand acres. The national acreage allotment for wheat for any year shall be not less than fifty-five million acres. (Feb. 16, 1938, Title III, sec. 333, 52 Stat. 53, as amended June 20, 1938, 52 Stat. 775; July 26, 1939, 53 Stat. 1125; 7 U. S. C., sec. 1333.)

630-147. Apportionment of national acreage allotment.—

Apportionment among states. (a) The national acreage allotment for wheat shall be apportioned by the Secretary among the several

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States on the basis of the acreage seeded for the production of wheat during the ten calendar years immediately preceding the calendar year in which the national acreage allotment is determined (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and for trends in acreage during such period.

Apportionment among counties. (b) The State acreage allotment for wheat shall be apportioned by the Secretary among the counties in the State, on the basis of the acreage seeded for the production of wheat during the ten calendar years immediately preceding the calendar year in which the national acreage allotment is determined (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during such period and

for the promotion of soil-conservation practices.

Apportionment among farms. (c) The allotment to the county shall be apportioned by the Secretary, through the local committees, among the farms within the county on the basis of tillable acres, crop-rotation practices, type of soil, and topography. Not more than 3 per centum of such county allotment shall be apportioned to farms on which wheat has not been planted during any of the three marketing years immediately preceding the marketing year in which the allotment is made. (Feb. 16, 1938, Title III, sec. 334, 52 Stat. 53, as amended April 7, 1938, sec. 7, 52 Stat. 203; 7 U. S. C., sec. 1334 (a) to (c).)

630-148. Marketing quotas, wheat .-

Establishment. (a) Whenever it shall appear that the total supply of wheat as of the beginning of any marketing year will exceed a normal year's domestic consumption and exports by more than 35 per centum, the Secretary shall, not later than the May 15 prior to the beginning of such marketing year, proclaim such fact and, during the marketing year beginning July 1 and continuing throughout such marketing year, a national marketing quota shall be in effect with respect to the marketing of wheat. The Secretary shall ascertain and specify in the proclamation the amount of the national marketing quota in terms of a total quantity of wheat and also in terms of a marketing percentage of the national acreage allotment for the current crop which he determines will, on the basis of the national average yield of wheat, produce the amount of the national marketing quota. Marketing quotas for any marketing year shall be in effect with respect to wheat harvested in the calendar year in which such marketing year begins notwithstanding that the wheat is marketed prior to the beginning of such marketing year. No marketing quota with respect to the marketing of wheat shall be in effect for the marketing year beginning July 1, 1938, unless prior to the date of the proclamation of the Secretary, provision has been made by law for the payment, in whole or in part, in 1938 of parity payments with respect to wheat.

Amount of national marketing quota. (b) The amount of the national marketing quota for wheat shall be equal to a normal year's domestic consumption and exports plus 30 per centum thereof, less the sum of (1) the estimated carry-over of wheat as of the beginning of the marketing year with respect to which the quota is proclaimed and

(2) the estimated amount of wheat which will be used on farms as

seed or livestock feed during the marketing year.

Amount of farm marketing quota. (c) The farm marketing quota for any farm for any marketing year shall be a number of bushels of wheat equal to the sum of-

(1) A number of bushels equal to the normal production or the actual production, whichever is the greater, of the farm acreage allot-

ment; and

(2) A number of bushels equal to the amount, or part thereof, of wheat from any previous crop which the farmer has on hand which, had such amount, or part thereof, been marketed during the preceding marketing year in addition to the wheat actually marketed during such preceding marketing year, could have been marketed without

penalty.

(3) Any farmer who does not market wheat in excess of the normal production or the actual production, whichever is the greater, of the farm acreage allotment shall not be subject to penalty under the provisions of section 339. Any farmer who stores, in accordance with regulations issued by the Secretary, an amount of wheat which is less than the amount subject to penalty, shall be presumed to have marketed the amount of such wheat subject to penalty which is not so

Production essential for application of farm quota. (d) No farm marketing quota with respect to wheat shall be applicable in any marketing year to any farm on which the normal production of the acreage planted to wheat of the current crop is less than two hundred bushels. (Feb. 16, 1938, 1938, Title III, sec. 335, 52 Stat. 54; as amended July 26, 1939, 53 Stat. 1126; June 6, 1940, 54 Stat. 232;

7 U. S. C., sec. 1335 (a) to (d).)

630-149. Referendum.—Between the date of the issuance of any proclamation of any national marketing quota for wheat and June 10, the Secretary shall conduct a referendum, by secret ballot, of farmers who will be subject to the quota specified therein to determine whether such farmers favor or oppose such quota. If more than one-third of the farmers voting in the referendum oppose such quota, the Secretary shall, prior to the effective date of such quota, by proclamation suspend the operation of the national marketing quotas with respect to wheat. (Feb. 16, 1938, Title III, sec. 336, 52 Stat. 55; 7 U.S. C., sec. 1336.)

630-150. Adjustment and suspension of quotas.—(a) If the total supply as proclaimed by the Secretary within forty-five days after the beginning of the marketing year is less than that specified in the proclamation by the Secretary under section 335 (a), then the national marketing quota specified in the proclamation under such

section shall be increased accordingly.

(b) Whenever it shall appear from either the July or the August production estimates, officially published by the Division of Crop and Livestock Estimates of the Bureau of Agricultural Economics of the Department, that the total supply of wheat as of the beginning of the marketing year was less than a normal year's domestic consumption and export plus 30 per centum thereof, the Secretary shall proclaim such fact prior to July 20, or August 20, as the case may be, if farm marketing quotas have been announced with respect to the crop grown in such calendar year. Thereupon such quotas shall become ineffective. (Feb. 16, 1938, Title III, sec. 337; 52 Stat.

55; 7 U. S. C., sec. 1337.)

630-151. Transfer of quotas.—Farm marketing quotas for wheat shall not be transferable, but, in accordance with regulations prescribed by the Secretary for such purpose, any farm marketing quota in excess of the supply of wheat for such farm for any marketing year may be allocated to other farms on which the acreage allotment has not been exceeded. (Feb. 16, 1938, Title III, sec. 338, 52 Stat. 55; 7 U. S. C., sec. 1338.)

630-152. Penalties.—Any farmer who, while farm marketing quotas are in effect, markets wheat in excess of the farm marketing quota for the farm on which such wheat was produced, shall be subject to a penalty of 15 cents per bushel of the excess so marketed. (Feb. 16, 1938. Title III, sec. 339, 52 Stat. 55; 7 U. S. C., sec. 1339.)

630-153. Marketing quotas, cotton; legislative finding of effect on interstate and foreign commerce and necessity of regulation.—American cotton is a basic source of clothing and industrial products used by every person in the United States and by substantial numbers of people in foreign countries. American cotton is sold on a world-wide market and moves from the places of production almost entirely in interstate and foreign commerce to processing establishments located throughout the world at places outside the State where the cotton is produced.

Fluctuations in supplies of cotton and the marketing of excessive supplies of cotton in interstate and foreign commerce disrupt the orderly marketing of cotton in such commerce with consequent injury to and destruction of such commerce. Excessive supplies of cotton directly and materially affect the volume of cotton moving in interstate and foreign commerce and cause disparity in prices of cotton and industrial products moving in interstate and foreign commerce with consequent diminution of the volume of such commerce in industrial products.

The conditions affecting the production and marketing of cotton are such that, without Federal assistance, farmers, individually or in cooperation, cannot effectively prevent the recurrence of excessive supplies of cotton and fluctuations in supplies, cannot prevent indiscriminate dumping of excessive supplies on the Nation-wide and foreign markets, cannot maintain normal carry-overs of cotton, and cannot provide for the orderly marketing of cotton in interstate and foreign

commerce.

It is in the interest of the general welfare that interstate and foreign commerce in cotton be protected from the burdens caused by the marketing of excessive supplies of cotton in such commerce, that a supply of cotton be maintained which is adequate to meet domestic consumption and export requirements in years of drought, flood, and other adverse conditions as well as in years of plenty, and that the soil resources of the Nation be not wasted in the production of excessive supplies of cotton.

The provisions of this Part affording a cooperative plan of cotton producers are necessary and appropriate to prevent the burdens on interstate and foreign commerce caused by the marketing in such commerce of excessive supplies, and to promote, foster, and maintain an

orderly flow of an adequate supply of cotton in such commerce.

16. 1938, Title III, sec. 341, 52 Stat. 55; 7 U. S. C., sec. 1341.)

630-154. Finding and proclamation of supplies, etc .- Not later than November 15 of each year the Secretary shall find and proclaim (a) the total supply, the normal supply, and the carry-over of cotton as of August 1 of such year, (b) the probable domestic consumption of American cotton during the marketing year commencing August 1 of such year, (c) the probable exports of American cotton during such marketing year, and (d) the estimated carry-over of cotton as of the next succeeding August 1. For the marketing year 1937-1938 the Secretary shall make all the findings and proclamations provided for in this section not later than ten days after the date of the enactment of this Act. (Feb. 16, 1938, Title III, sec. 342, 52 Stat. 56; 7 U. S. C., sec. 1342.)

630-155. Amount of national allotment.—(a) Not later than November 15 of each year the Secretary shall find and proclaim the amount of the national allotment of cotton for the succeeding calendar year in terms of standard bales of five hundred pounds gross weight. national allotment shall be the number of bales of cotton adequate, together with the estimated carry-over as of August 1 of such succeeding calendar year, to make available a supply of cotton, for the marketing year beginning on such August 1, equal to the normal supply. The finding and proclamation of the national allotment for the calendar year 1938 shall be made not later than ten days after the date of

the enactment of this Act.

(b) If the national allotment for 1938 or 1939 is determined to be less than ten million bales, the national allotment for such year shall be ten million bales for such year, as the case may be. If the national allotment for 1938 or 1939 is determined to be more than eleven million five hundred thousand bales, it shall be eleven million five hundred thousand bales for such year, as the case may be. The national allotment for any year (after 1939) shall be not less than ten million bales.

(c) Notwithstanding the foregoing provisions of this section, the national allotment for any year shall be increased by a number of bales equal to the production of the acres allotted under section 344 (e) for such year. (Feb. 16, 1938, Title III, sec. 343, 52 Stat. 56, as amended Apr. 7, 1938, sec. 8, 52 Stat. 203; July 26, 1939, 53 Stat. 1125; 7 U. S. C., sec. 1343.)

630-156. Apportionment of national allotment.—

Apportionment among States. (a) The national allotment for cotton for each year (excluding that portion of the national allotment provided for in section 343 (c) shall be apportioned by the Secretary among the several States on the basis of the average, for the five years preceding the year in which the national allotment is determined, of the normal production of cotton in each State. The normal production of a State for a year shall be (1) the quantity produced therein plus (2) the normal yield of the acres diverted in each county in the State under the previous agricultural adjustment or conservation programs. The normal yield of the acres diverted in any county in any year shall be the average yield per acre of the planted acres in such county in such year times the number of acres diverted in such county in such year.

State acreage allotment. (b) The Secretary shall ascertain, on the basis of the average yield per acre in each State, a number of acres in such State which will produce a number of bales equal to the allotment made to the State under subsection (a). Such number of acres plus the number of acres allotted to the State pursuant to subsection (e) (2) is referred to as the "State acreage allotment". The average yield per acre for any State shall be determined on the basis of the average of the normal production for the State for the years used in computing the allotment to the State, and the average, for the same period, of the acres planted and the acres diverted in the State.

Apportionment among counties; limitation on apportionment to nonproducing farms. (c) (1) The State acreage allotment (less the amount required for apportionment under paragraph (2)) shall be apportioned annually by the Secretary to the counties in the State. The apportionment to the counties shall be made on the basis of the acreage planted to cotton during the five calendar years immediately preceding the calendar year in which the State allotment is apportioned (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during such five-year period.

(2) Not more than 2 per centum of the State acreage allotment shall be apportioned to farms in such State which were not used for cotton production during any of the three calendar years immediately preceding the year for which the allotment is made, on the basis of land, labor, and equipment available for the production of cotton; crop rotation practices; and the soil and other physical facilities

affecting the production of cotton.

Apportionment among farms. (d) The allotment apportioned to the county under subsection (c) (1), plus any amount allotted to the county under subsection (e), shall be apportioned by the Secretary, through the local committees among the farms within the county on the following basis:

(1) To each farm on which cotton has been planted during any of the previous three years there shall be allotted the smaller of the following—

(A) Five acres; or

(B) The highest number of acres planted to cotton (plus the acres diverted from the production of cotton under the agricultural adjustment or conservation programs) in any year of such three-year period;

(2) Not more than 3 per centum of the amount remaining, after making the allotments provided for under paragraph (1), shall be allotted, upon such basis as the Secretary deems fair and equitable, to farms (other than farms to which an allotment has been made under paragraph (1) (B)) to which an allotment of not exceeding fifteen acres may be made under other provisions of this subsection; and

(3) The remainder of the total amount available to the county shall be allotted to farms on which cotton has been planted during any of the previous three years (except farms to which an

allotment has been made under paragraph (1) (B)). The allotment to each farm under this paragraph, together with the amount of the allotment to such farm under paragraph (1) (A). shall be a prescribed percentage (which percentage shall be the same for all such farms in the county or administrative area) of the acreage, during the preceding year, on the farm which is tilled annually or in regular rotation, excluding from such acreage the acres devoted to the production of sugarcane for sugar, wheat, tobacco, or rice for market or wheat or rice for feeding to livestock for market: Provided, however, That if a farm would be allotted under this paragraph an acreage, together with the amount of the allotment to such farm under paragraph (1) (A), in excess of the largest acreage planted to cotton plus the acreage diverted from the production of cotton under the agricultural adjustment or conservation program during any of the preceding three years, the acreage allotment for such farm shall not exceed such largest acreage so planted and diverted in any such year.

County acreage allotment; minimum State acreage allotment. (e) (1) For 1938, 1939, and any subsequent year, the Secretary shall allot to the several counties, to which an apportionment is made under subsection (c), a number of acres required to provide a total acreage for allotment under this section to such counties of not less than 60 per centum of the sum of (1) the acreage planted to cotton in such counties in 1937, plus (2) the acreage therein diverted from cotton production in 1937 under the agricultural adjustment and conservation program. The acreage so diverted shall be estimated in case data are not available at the time of making such allotment.

(2) The Secretary shall allot to each State to which an allotment is made under subsection (b), and in which at least three thousand five hundred bales were produced in any of the five years immediately preceding the year for which the allotment is made, a number of acres sufficient to provide a total State acreage allotment for such State of

not less than five thousand acres.

Matters considered in apportionment among farms. (f) In apportioning the county allotment among the farms within the county, the Secretary, through the local committees, shall take into consideration different conditions within separate administrative areas within a county if any exist, including types, kinds, and productivity of the soil so as to prevent discrimination among the administrative areas of the county.

Additional county and farm acreage allotments. (g) For 1938, 1939, and each subsequent year an acreage equal to 4 per centum of the State acreage allotment shall be apportioned by the Secretary, to counties and farms in the State receiving allotments under this Part,

in the following manner:

(1) An amount of the additional allotment provided for in this subsection sufficient to allot to each farm the acreage allotments provided for in subparagraphs (A) and (B) of paragraph (1) of subsection (d) of this section shall be used for making such acreage allotments as therein provided.

(2) In counties in which the allotment is not sufficient to provide adequate and representative allotments to other farms in the

county as a result of the allotments required by section 344 (d) (1) (A) and (B), an additional acreage shall be allotted to such farms to make the allotment to each of such farms as nearly equal to the allotment which would have been made to such farms in the absence of the provisions of (A) and (B) of subsection 344 (d) (1) as the remainder of the 4 per centum will permit.

(3) After making the allotments provided for in paragraphs (1) and (2) of this subsection the remainder of the 4 per centum may be apportioned in amounts determined by the Secretary to be fair and reasonable to farms or counties receiving allotments which the Secretary determines are inadequate and not representative in view of past production of cotton on the farm or in the county.

Minimum county and farm acreage allotments. (h) Notwithstanding any other provisions of this section, the cotton acreage allotment for any farm for 1938, 1939, and each subsequent year, after making the allotments provided in subsection (g), shall be increased by such amount as may be necessary to provide an allotment of not less than 50 per centum of the sum of the acreage planted in cotton in 1937 and the acreage diverted from cotton production in 1937 under the agricultural conservation program, as determined for each farm in accordance with regulations prescribed by the Secretary and for any crop year any part of the acreage allotted to individual farms in the State which it is determined, in accordance with regulations prescribed by the Secretary, will not be planted to cotton in the year for which the allotment is made, shall be deducted from the allotments to such farms and may be apportioned, in amounts determined by the Secretary to be fair and reasonable, preference being given to farms in the same county receiving allotments which the Secretary determines are inadequate and not representative in view of the past production of cotton and the acreage diverted from the production of cotton on such farms under the agricultural conservation program in the immediately preceding year: Provided, That any such transfer of allotment shall not affect apportionment for any subsequent year: Provided, That this subsection shall not operate to raise the cotton acreage of any farm above 40 per centum of the acreage on such farm which is tilled annually or in regular rotation, as determined under regulations prescribed by the Secretary.

Acreage under subsections (g) and (h) as additional to State and national allotments. (i) The acreage required for apportionment under subsection (g) and (h) shall be in addition to the State acreage allotment, and the production of such acreage shall be in addition to the national allotment. (Feb. 16, 1938, Title III, sec. 344, 52 Stat. 57, as amended Apr. 7, 1938, sec. 9, 52 Stat. 203; May 31, 1938, sec. 1, 52 Stat. 586; Mar. I3, 1939, 53 Stat. 512; June 22, 1939, secs. 1—3,

53 Stat. 853; 7 U. S. C., sec. 1344 (a) to (i).)

[Act of March 13, 1939, in addition to amending subsection (h), contained the following proviso: "Provided, That hereafter such allotment of acreage in counties shall be to such farms as the County Committee of such county may designate. In making such designation the County Committee shall consider only the character and adaptability of the soil and other physical facilities affecting the production of cotton and the need of operator for an additional

allotment to meet the requirement of the families engaging in the production of cotton on the farm in such year." (7 U. S. C., sec.

1344 (a) to (i) note.)]

630-157. Marketing quotas.—Whenever the Secretary determines that the total supply of cotton for any marketing year exceeds by more than 7 per centum the normal supply thereof for such marketing year, the Secretary shall proclaim such fact not later than November 15 of such marketing year (or, in case of the marketing year 1937-1938, within ten days after the date of enactment of this Act), and marketing quotas shall be in effect during the next succeeding marketing year with respect to the marketing of cotton. Cotton produced in the calendar year in which such marketing year begins shall be subject to the quotas in effect for such marketing year notwithstanding that it may be marketed prior to August 1. (Feb. 16, 1938, Title II, sec. 345, 52 Stat. 58; 7 U. S. C., sec. 1345.)

630-158. Amount of farm marketing quotas; exemption from penalties.—(a) The farm marketing quota for cotton for any farm for any marketing year shall be a number of bales of cotton equal to the

sum of—

(1) A number of bales equal to the normal production or the actual production, whichever is the greater, of the farm acreage

allotment, and

(2) A number of bales equal to the amount, or part thereof, of cotton from any previous crop which the farmer has on hand, which, had such amount, or part thereof, been marketed during the preceding marketing year in addition to the cotton actually marketed during such preceding marketing year, could have been marketed without penalty.

(b) The penalties provided for in section 348 shall not apply to the marketing of cotton produced on any farm for which a farm acreage allotment has been made for the current crop if the production of the current crop does not exceed one thousand pounds of lint cotton. (Feb. 16, 1938, Title III, sec. 346, 52 Stat. 59; 7 U. S. C., sec. 1346.)

630-159. Referendum.—Not later than December 15 of any calendar year in which a proclamation of farm marketing quotas pursuant to the provisions of this Part has been made, the Secretary shall conduct a referendum, by secret ballot, of farmers who were engaged in production of the crop harvested prior to the holding of the referendum to determine whether they favor or oppose such quotas. If more than one-third of the farmers voting in the referendum oppose such quotas, the Secretary shall, prior to the end of such calendar year, proclaim the result of the referendum, and upon such proclamation the quotas shall become ineffective. If a proclamation under section 345 is made with respect to the 1938 crop, the referendum with respect to such crop shall be held not later than thirty days after the date of the enactment of this Act and the result thereof shall be proclaimed not later than forty-five days after such date. (Feb. 16, 1938, Title III, sec. 347, 52 Stat. 59; 7 U. S. C., sec. 1347.)

630-160. Penalties.—Any farmer who, while farm marketing quotas are in effect, markets cotton in excess of the farm marketing quota for the marketing year for the farm on which such cotton was produced, shall be subject to the following penalties with respect to the

excess so marketed: 2 cents per pound if marketed during the first marketing year when farm marketing quotas are in effect; and 3 cents per pound if marketed during any subsequent year, except that the penalty shall be 2 cents per pound if cotton of the crop subject to penalty in the first year is marketed subject to penalty in any subsequent year. (Feb. 16, 1938, title III, sec. 348, 52 Stat. 59; 7 U. S. C., sec. 1348.)

630-161. Exceeding acreage allotment as affecting eligibility for payments; statement of compliance.—(a) Any person who knowingly plants cotton on his farm in any year on acreage in excess of the farm acreage allotment for cotton for the farm for such year under section 344 shall not be eligible for any payment for such year under the Soil Conservation and Domestic Allotment Act, as amended.

(b) All persons applying for any payment of money under the Soil Conservation and Domestic Allotment Act, as amended, with respect to any farm located in a county in which cotton has been planted during the year for which such payment is offered, shall file with the application a statement that the applicant has not knowingly planted, during the current year, cotton on land on his farm in excess of the acreage allotted to the farm under section 344 for such year. (Feb. 16, 1938, title III, sec. 349, 52 Stat. 59, as amended Apr. 7, 1938, sec. 10, 52 Stat. 204; 7 U. S. C., sec. 1349.)

630-162. Application to long staple cotton.—The provisions of this Part shall not apply to cotton the staple of which is 1½ inches or more in length. (Feb. 16, 1938, title III, sec. 350, 52 Stat. 60; 7

U. S. C., sec. 1350.)

630-163. Marketing quotas, rice; legislative finding of effect on interstate and foreign commerce and necessity for regulation.—(a) The marketing of rice constitutes one of the great basic industries of the United States with ramifying activities which directly affect interstate and foreign commerce at every point, and stable conditions therein are necessary to the general welfare. Rice produced for market is sold on a Nation-wide market, and, with its products, moves almost wholly in interstate and foreign commerce from the producer to the ultimate consumer. The farmers producing such commodity are subject in their operations to uncontrollable natural causes, in many cases such farmers carry on their farming operations on borrowed money or leased lands, and are not so situated as to be able to organize effectively, as can labor and industry, through unions and corporations enjoying Government sanction and protection for joint economic For these reasons, among others, the farmers are unable without Federal assistance to control effectively the orderly marketing of such commodity with the result that abnormally excessive supplies thereof are produced and dumped indiscriminately on the Nation-wide market.

(b) The disorderly marketing of such abnormally excessive supplies affects, burdens, and obstructs interstate and foreign commerce by (1) materially affecting the volume of such commodity marketed therein, (2) disrupting the orderly marketing of such commodity therein, (3) reducing the prices for such commodity with consequent injury and destruction of such commerce in such commodity, and (4) causing a disparity between the prices for such commodity in interstate and foreign commerce and industrial products therein, with a

consequent diminution of the volume of interstate and foreign com-

merce in industrial products.

(c) Whenever an abnormally excessive supply of rice exists, the marketing of such commodity by the producers thereof directly and substantially affects interstate and foreign commerce in such commodity and its products, and the operation of the provisions of this Part becomes necessary and appropriate in order to promote, foster, and maintain an orderly flow of such supply in interstate and foreign (Feb. 16, 1938, Title III, sec. 351, 52 Stat. 60; 7 U. S. C.,

sec. 1351.)

630-164. National acreage allotment.—The national acreage allotment of rice for any calendar year shall be that acreage which the Secretary determines will, on the basis of the national average yield of rice for the five calendar years immediately preceding the calendar year for which such national average yield is determined, produce an amount of rice adequate, together with the estimated carry-over from the marketing year ending in such calendar year, to make available a supply for the marketing year commencing in such calendar year not less than the normal supply. Such national acreage allotment shall be proclaimed not later than December 31 of each year. 1938, Title III, sec. 352, 52 Stat. 60; 7 U. S. C., sec. 1352.)

630-165. Apportionment of national acreage allotment.

Apportionment among States. (a) The national acreage allotment of rice for each calendar year shall be apportioned by the Secretary among the several States in which rise is produced in proportion to the average number of acres of rice in each State during the five-year period immediately preceding the calendar year for which such national acreage allotment of rice is determined (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs) with adjustments for trends in acreage

during the applicable period.

Apportionment among producers. (b) Not less than 97 per centum of the acreage allotted to any State shall be apportioned annually by the Secretary through local and State committees of farmers among the persons producing rice within such State on the basis of past production of rice; land, labor, and available equipment for the production of rice; crop-rotation practices, soil fertility, and other physical factors affecting the production of rice: Provided, That not exceeding 3 per centum of the acreage allotted to each State shall be apportioned annually by the Secretary through local and State committees of farmers among persons who for the first time in the past five years are producing rice on the basis of the applicable standards of apportionment set forth in this subsection: Provided further, That a person producing rice for the first time in five years shall not be allotted an acreage in excess of 75 per centum of the allotment that would be made to him if he were not producing rice for the first time in such five years. (Feb. 16, 1938, Title III, sec. 353, 52 Stat. 61; 7 U. S. C., sec. 1353 (a), (b).)

630-166. Domestic allotment of rice.

Finding and proclamation. (a) Not later than December 31 of each year the Secretary shall ascertain from the latest available statistics of the Department and shall proclaim the total amount of rice which will be needed during the next succeeding marketing year to meet the requirements of consumers in the United States. Such amount is

hereinafter referred to as the "domestic allotment of rice".

Apportionment among states. (b) The domestic allotment of rice for each marketing year shall be apportioned by the Secretary among the several States in which rice is produced in proportion to the average amount of rice produced in each State during the five-year period including the calendar year in which such domestic allotment is announced (plus, in applicable years, the normal production of any acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during the applicable period.

Apportionment among producers. (c) The Secretary shall provide, through local and State committees of farmers, for the alloment of each State apportionment among persons producing rice in such State. The apportionment of the domestic allotment of rice among persons producing rice in each State shall be on the basis of the aggregate normal yields of the acreage allotments established with respect to such persons. (Feb. 16, 1938, Title III, sec. 354, 52 Stat. 61;

7 U. S. C., sec. 1354 (a) to (c).) 630-167. Marketing quotas.—

Proclamation. (a) If at the time of any proclamation made under the provisions of section 354 (a) it shall appear from the latest available statistics of the Department that the total supply of rice exceeds the normal supply thereof for the current marketing year by more than 10 per centum of such normal supply, the Secretary shall also proclaim that, beginning on the first day of the marketing year next following and continuing throughout such year a national marketing quota shall be in effect for marketings of rice by producers: Provided, That no marketing quota shall be in effect for the marketing year commencing August 1, 1938. The Secretary shall also ascertain and specify in such proclamation the amount of the national marketing quota in terms of the total quantity thereof which may be marketed by producers which shall be that amount of rice which the Secretary determines will make available during such marketing year a normal supply.

Referendum. (b) Within thirty days after the date of the issuance of the proclamation specified in subsection (a) of this section, the Secretary shall conduct a referendum, by secret ballot, of producers who would be subject to the national marketing quota for rice to determine whether such producers are in favor of or opposed to such quota. If more than one-third of the producers voting in the referendum oppose such quota, the Secretary shall, prior to the 15th day of February, proclaim the result of the referendum, and such quota shall

not become effective.

Apportionment among states and producers. (c) The national marketing quota shall be apportioned among States and persons producing rice in each State, including new producers, in the manner and upon the basis set forth in section 354 for the apportionment of the domestic allotment of rice.

Transfer of quotas. (d) Marketing quotas may be transferred only in such manner and subject to such conditions as the Secretary may prescribe by regulations. (Feb. 16, 1938, Title III, sec. 355, 52 Stat.

62; 7 U. S. C., sec. 1355 (a) to (d).)

630-168. Penalties.—Any producer who markets rice in excess of his marketing quota shall be subject to a penalty of one-quarter of 1 cent per pound of the excess so marketed. (Feb. 16, 1938, Title III, sec. 356, 52 Stat. 62; 7 U. S. C., sec. 1356.)

630-169. Application of Part.—This Part shall apply to the publication and review of farm marketing quotas established for tobacco, corn, wheat, cotton, and rice, established under subtitle B. (Feb. 16, 1938,

Title III, sec. 361, 52 Stat. 62; 7 U. S. C., sec. 1361.)

630-170. Publication and notice of quota.—All acreage allotments, and the farm marketing quotas established for farms in a county or other local administrative area shall, in accordance with regulations of the Secretary, be made and kept freely available for public inspection in such county or other local administrative area. An additional copy of this information shall be kept available in the office of the county agricultural extension agent or with the chairman of the local committee. Notice of the farm marketing quota of his farm shall be (Feb. 16, 1938, Title III, sec. 362, 52 Stat. 62; mailed to the farmer. 7 U. S. C., sec. 1362.)

630-171. Review of quota; review committee.—Any farmer who is dissatisfied with his farm marketing quota may, within fifteen days after mailing to him of notice as provided in section 362, have such quota reviewed by a local review committee composed of three farmers appointed by the Secretary. Such committee shall not include any member of the local committee which determined the farm acreage allotment, the normal yield, or the farm marketing quota for such farm. Unless application for review is made within such period, the original determination of the farm marketing quota shall be final. (Feb. 16, 1938, Title III, sec. 363, 52 Stat. 63; 7 U. S. C., sec. 1363.)

630-172. Compensation of review committee.—The members of the review committee shall receive as compensation for their services the same per diem as that received by the members of the committee utilized for the purposes of the Soil Conservation and Domestic Allotment Act, as amended. The members of the review committee shall not be entitled to receive compensation for more than thirty days in any one year. sec. 1364.) (Feb. 16, 1938, Title III, sec. 364, 52 Stat. 63; 7 U. S. C.,

630-173. Institution of proceeding for court review of committee findings.—If the farmer is dissatisfied with the determination of the review committee, he may, within fifteen days after a notice of such determination is mailed to him by registered mail, file a bill in equity against the review committee as defendant in the United States district court, or institute proceedings for review in any court of record of the State having general jurisdiction, sitting in the county or the district in which his farm is located, for the purpose of obtaining a review of such determination. Bond shall be given in an amount and with surety satisfactory to the court to secure the United States for the costs of the proceeding. The bill of complaint in such proceeding may be served by delivering a copy thereof to any one of the members of the review committee. Thereupon the review committee shall certify and file in the court a transcript of the record upon which the determination complained of was made, together with its findings of fact. (Feb. 16, 1938, Title III, sec. 365, 52 Stat. 63; 7 U. S. C., sec. 1365.)

630-174. Court review.—The review by the c ourt shall be limited to questions of law, and the findings of fact by the review committee, if supported by evidence, shall be conclusive. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the hearing before the review committee, the court may direct such additional evidence to be taken before the review committee in such manner and upon such terms and conditions as to the court may seem proper. The review committee may modify its findings of fact or its determination by reason of the additional evidence so taken, and it shall file with the court such modified findings or determination, which findings of fact shall be conclusive. At the earliest convenient time, the court, in term time or vacation, shall hear and determine the case upon the original record of the hearing before the review committee, and upon such record as supplemented if supplemented, by further hearing before the review committee pursuant to direction of the court. The court shall affirm the review committee's determination, or modified determination, if the court determines that the same is in accordance with law. If the court determines that such determination or modified determination is not in accordance with law, the court shall remand the proceeding to the review committee with direction either to make such determination as the court shall determine to be in accordance with law or to take such further proceedings as, in the court's opinion, the law requires. (Feb. 16, 1938, Title III, sec. 366, 52 Stat. 63; 7 U.S.C., sec. 1366.)

630-175. Stay of proceedings and exclusive jurisdiction.—The commencement of judicial proceedings under this Part shall not, unless specifically ordered by the court, operate as a stay of the review committee's determination. Notwithstanding any other provision of law, the jurisdiction conferred by this Part to review the legal validity of a determination made by a review committee pursuant to this Part shall be exclusive. No court of the United States or of any State shall have jurisdiction to pass upon the legal validity of any such determination except in a proceeding under this Part. (Feb. 16, 1938, Title III,

sec. 367, 52 Stat. 64; 7 U.S.C., sec. 1367.)

630-176. Effect of increase on other quotas.—Notwithstanding any increase of any farm marketing quota for any farm as a result of review of the determination thereof under this Part, the marketing quotas for other farms shall not be affected. (Feb. 16, 1938, Title III, sec. 368, 52 Stat. 64; 7 U. S. C., sec. 1368.)

630-177. General adjustment of quotas.

Investigation and adjustment to maintain normal supply. (a) If at any time the Secretary has reason to believe that in the case of corn, wheat, cotton, rice, or tobacco the operation of farm marketing quotas in effect will cause the amount of such commodity which is free of marketing restrictions to be less than the normal supply for the marketing year for the commodity then current, he shall cause an immediate investigation to be made with respect thereto. In the course of such investigation due notice and opportunity for hearing shall be given to interested persons. If upon the basis of such investigation the Secretary finds the existence of such fact, he shall proclaim the same forthwith. He shall also in such proclamation specify such

increase in, or termination of, existing quotas as he finds, on the basis of such investigation, is necessary to make the amount of such commodity which is free of marketing restrictions equal the normal

supply.

Adjustment because of emergency or export demand.—(b) If the Secretary has reason to believe that, because of a national emergency or because of a material increase in export demand, any national marketing quota for corn, wheat, cotton, rice, or tobacco should be increased or terminated, he shall cause an immediate investigation to be made to determine whether the increase or termination is necessary in order to effectuate the declared policy of this Act or to meet such emergency or increase in export demand. If, on the basis of such investigation, the Secretary finds that such increase or termination is necessary, he shall immediately proclaim such finding (and if he finds an increase is necessary, the amount of the increase found by him to be necessary) and thereupon such quota shall be increased, or shall terminate, as the case may be.

Increase of farm quota on increase of national quota.—(c) In case any national marketing quota for any commodity is increased under this section, each farm marketing quota for the commodity shall be in-

creased in the same ratio.

Adjustment of corn storage regulations on change in marketing quotas.—
(d) In the case of corn, whenever such proclamation specifies an increase in marketing quotas, the storage amounts applicable to corn shall be adjusted downward to the amount which would have been required to be stored if such increased marketing quotas had been in effect. Whenever in the case of corn, such proclamation provides for termination of marketing quotas, storage under seal shall no longer be required. (Feb. 16, 1938, Title III, sec. 371, 52 Stat. 64; 7 U. S. C., sec. 1371 (a) to (d).)

630-178. Payment, collection, and refund of penalties.—(a) The penalty with respect to the marketing, by sale, of wheat, cotton, or rice, if the sale is to any person within the United States, shall be collected

by the buyer.

(b) All penalties provided for in Subtitle B shall be collected and paid in such manner, at such times, and under such conditions as the Secretary may by regulations prescribe. Such penalties shall be remitted to the Secretary by the person liable for the penalty, except that if any other person is liable for the collection of the penalty, such other person shall remit the penalty. The amount of such penalties shall be covered into the general fund of the Treasury of the United States.

(c) Whenever, pursuant to a claim filed with the Secretary within two years after payment to him of any penalty collected from any person pursuant to this Act, the Secretary finds that such penalty was erroneously, illegally, or wrongfully collected and the claimant bore the burden of the payment of such penalty, the Secretary shall certify to the Secretary of the Treasury for payment to the claimant, in accordance with regulations prescribed by the Secretary of the Treasury, such amount as the Secretary finds the claimant is entitled to receive as a refund of such penalty.

Notwithstanding any other provision of law, the Secretary is authorized to prescribe by regulations for the identification of farms

and it shall be sufficient to schedule receipts into special deposit accounts or to schedule such receipts for transfer therefrom, or directly, into the separate fund provided for in subsection (b) hereof by means of such identification without reference to the names of the producers on such farms.

The Secretary is authorized to prescribe regulations governing the

filing of such claims and the determination of such refunds.

(d) No penalty shall be collected under this Act with respect to the marketing of any agricultural commodity grown for experimental purposes only by any publicly owned agricultural experiment station. (Feb. 16, 1938, Title III, sec. 372, 52 Stat. 65, as amended Apr. 7, 1938, sec. 11, 52 Stat. 204; July 2, 1940, sec. 6, 54 Stat. 728; 7 U. S. C., sec. 1732.)

630-179. Reports and records .-

Persons reporting. (a) This subsection shall apply to warehousemen, processors, and common carriers of corn, wheat, cotton, rice, or tobacco, and all ginners of cotton, all persons engaged in the business of purchasing corn, wheat, cotton, rice, or tobacco from producers, and all persons engaged in the business of redrying, prizing, or stemming tobacco for producers. Any such person shall, from time to time on request of the Secretary, report to the Secretary such information and keep such records as the Secretary finds to be necessary to enable him to carry out the provisions of this title. Such information shall be reported and such records shall be kept in accordance with forms which the Secretary shall prescribe. For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report, but not so furnished, the Secretary is hereby authorized to examine such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as he has reason to believe are relevant and are within the control of such person. Any such person failing to make any report or keep any record as required by this subsection or making any false report or record shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required by this subsection within fifteen days after notice to him of such violation shall be subject to an additional fine of \$100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: Provided, That such fine shall not exceed \$5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at any established place of business operated by him, or both.

Proof of acreage yield. (b) Farmers engaged in the production of corn, wheat, cotton, rice, or tobacco for market shall furnish such proof of their acreage, yield, storage, and marketing of the commodity in the form of records, marketing cards, reports, storage under seal, or otherwise as the Secretary may prescribe as necessary for the ad-

ministration of this title.

Data as confidential. (c) All data reported to or acquired by the Secretary pursuant to this section shall be kept confidential by all officers and employees of the Department, and only such data so

reported or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing under this title. (Feb. 16, 1938, Title III, sec. 373, 52 Stat. 65; June 13, 1940, sec.

6, 54 Stat. 394; 7 U.S.C., sec. 1373 (a) to (c).)

630-180. Measurement of farms and report of plantings.—The Secretary shall provide, through the county and local committees, for measuring farms on which corn, wheat, cotton, or rice is produced and for ascertaining whether the acreage planted for any year to any such commodity is in excess of the farm acreage allotment for such commodity for the farm under this title. If in the case of any farm the acreage planted to any such commodity on the farm is in excess of the farm acreage allotment for such committee shall file with the State committee a written report stating the total acreage on the farm in cultivation and the acreage planted to such commodity. (Feb. 16, 1938, Title III, sec. 374, 52 Stat. 65: 7 U. S. C., sec. 1374.)

630-181. Regulations.—(a) The Secretary shall provide by regulations for the identification, wherever necessary, of corn, wheat, cotton, rice, or tobacco so as to afford aid in discovering and identifying such amounts of the commodities as are subject to and such amounts thereof as are not subject to marketing restrictions in effect under this

title.

(b) The Secretary shall prescribe such regulations as are necessary for the enforcement of this title. (Feb. 16, 1938, Title III, sec. 375, 52

Stat. 66: 7 U. S. C., sec. 1375.)

630-182. Court jurisdiction; duties of district attorneys; remedies and penalties as additional.—The several district courts of the United States are hereby vested with jurisdiction specifically to enforce the provisions of this title. If and when the Secretary shall so request, it shall be the duty of the several district attorneys in their respective districts, under the direction of the Attorney General, to institute proceedings to collect the penalties provided in this title. The remedies and penalties provided for herein shall be in addition to, and not exclusive of, any of the remedies or penalties under existing law. (Feb. 16, 1938, Title III, sec. 376, 52 Stat. 66; 7 U. S. C., sec. 1376.)

630-183. Cotton price adjustment payments.-

Determination of acreage allotment; applications for payments. (a) For the purposes of the provisions (relating to cotton price adjustment payments with respect to the 1937 cotton crop) of the Third Deficiency Appropriation Act, fiscal year 1937, a producer shall be deemed to have complied with the provisions of the 1938 agricultural adjustment program formulated under the legislation contemplated by Senate Joint Resolution Numbered 207, Seventy-fifth Congress, if his acreage planted to cotton in 1938 does not exceed his farm acreage allotment for 1938 under the Soil Conservation and Domestic Allotment Act, as amended (including the amendments made by this Act), or under section 344 of this Act, whichever is the lesser. For the purposes of this subsection a producer shall not be deemed to have exceeded his farm acreage allotment unless such producer knowingly exceeded his farm acreage allotment. Such compliance shall not be required in any case where the producer is not engaged in cotton production in 1938. In cases where in 1937 a total or partial crop failure resulted from hail, drought, flood, or boll-weevil infestation,

or where any part of a producer's 1937 cotton crop was destroyed after the harvesting thereof by fire or other unavoidable natural cause, if the producer is otherwise eligible for payment, payment shall be made at the same rate per pound on the same percentage of the producer's normal base production established by the Secretary as in the case of other producers. For the purpose of such provisions of the Third Deficiency Appropriation Act, fiscal year 1937, cotton not sold prior to July 1, 1938, shall be held and considered to have been sold on June 30, 1938, and all applications for price adjustment payments shall be filed with the Secretary not later than July 15, 1938. Such payments shall be made at the earliest practicable time. Application for payment may be made by the 1937 operator of a farm on behalf of all persons engaged in cotton production on the farm in 1937 and need be signed only by such operator, but payment shall be made directly to each of the persons entitled thereto. In case any person who is entitled to payment hereunder dies, becomes incompetent, or disappears before receiving such payment or is succeeded by another who renders or completes the required performance, payment shall, without regard to any other provisions of law, be made as the Secretary may determine to be fair and reasonable in all the circumstances and provide

Transfer of pledged cotton to Commodity Credit Corporation. (b) Any producer for whom a loan has been made or arranged for by the Commodity Credit Corporation on cotton of his 1937 crop and who has complied with all the provisions of the loan agreement except section 8 thereof, may, at any time before July 1, 1938, transfer his right, title, and interest in and to such cotton to the Corporation; and the Corporation is authorized and directed to accept such right, title, and interest in and to such cotton and to assume all obligations of the producer with respect to the loan on such cotton, including accrued interest and accrued carrying charges to the date of such transfer. The Corporation shall notify the Secretary of Agriculture of each such transfer, and upon receipt of such notice, the Secretary shall as soon as compliance is shown, or a national marketing quota for cotton is put into effect, forthwith pay to such producer a sum equal to 2 cents per pound of such cotton, and the amount so paid shall be deducted from any price adjustment payment to which such producer is

entitled.

Sale of pledged cotton by Commodity Credit Corporation. (c) The Commodity Credit Corporation is authorized on behalf of the United States to sell any cotton of the 1937 crop so acquired by it, but no such cotton or any other cotton held on behalf of the United States shall be sold unless the proceeds of such sale are at least sufficient to reimburse the United States for all amounts (including any price-adjustment payment) paid out by any of its agencies with respect to the cotton so sold. After July 31, 1939, the Commodity Credit Corporation shall not sell more than three hundred thousand bales of cotton in any calendar month, or more than one million five hundred thousand bales in any calendar year. The proceeds derived from the sale of any such cotton shall be used for the purpose of discharging the obligations assumed by the Commodity Credit Corporation with respect to such cotton, and any amounts not expended for such purpose shall be covered into the Treasury as miscellaneous receipts. (Feb.

16, 1938, title III, sec. 381, 52 Stat. 66, as amended April 7, 1938, sec.

12, 52 Stat. 204; 7 U. S. C., sec. 1381 (a) to (c).)

630-184. Same; acceleration of payments for 1937 crop.—[This section is not a part of the Agricultural Adjustment Act of 1938.]-That in carrying out the provisions of the Third Deficiency Appropriation Act, fiscal year 1937, and section 381 (a) of the Agricultural Adjustment Act of 1938, as amended, relating to cotton price adjustment payments with respect to the 1937 cotton crop, in order to accelerate such payments the Secretary shall, notwithstanding said provisions, (1) treat all cotton not sold prior to September 10, 1937, as if it had been sold on a date when the average price of seven-eighths-inch Middling cotton on the ten designated spot cotton markets was less than 9 cents per pound; (2) make payment on the basis of applications filed prior or subsequent to July 16, 1938, on forms prescribed by the Secretary, by the 1937 operator or other person designated pursuant to regulations prescribed by the Secretary on behalf of all the producers on the farm in 1937 or by individual producers, provided that (a) payment will not be made to the 1938 operator of the farm unless he certifies that he has complied thereon with the requirements defined in said section 381 (a), which certificate shall be taken to certify to such compliance on the part of all producers on the farm in 1938 who produced cotton in 1937, (b) payment shall not be delivered to any operator or producer until he has agreed in writing to refund the payment forthwith upon demand in case it is subsequently found that he has failed to comply with the requirements as defined herein and in said section 381 (a), (c) in cases where cotton was produced in 1937 on two or more producer units on the farm it shall be assumed that the production thereon was uniform, and (d) it shall be assumed that there was a total or partial crop failure resulting from hail, drought, flood, or boll-weevil infestation (which is defined to include any other insect or fungus) only if the yield in 1937 is below the base yield for the farm and in such case the total production shall be considered to be the normal yield for the farm multiplied by the number of acres planted to cotton in 1937; and (3) make payments, as soon as practicable, on the basis of his estimate of the amounts which will be covered by the applications to be filed and of the funds to be used out of the appropriation for the necessary administrative expenses of making the cotton price adjustment payments: (June 16, 1938, title I, 52 Stat. 745; 7 U.S. C., sec. 1381a. See par. 630-9, this volume.)

630-185. Extension of 1937 cotton loan.—The Commodity Credit Corporation is hereby authorized and directed to provide for the extension, from July 31, 1938, to July 31, 1939, of the maturity date of all notes evidencing a loan made or arranged for by the Corporation on cotton produced during the crop year 1937-1938. This section shall not be construed to prevent the sale of any such cotton on request of the person liable on the note. (Feb. 16, 1938, Title III, sec. 382, 52)

Stat. 67; 7 U. S. C., sec. 1382.)

630-186. Insurance of cotton; reconcentration.—(a) The Commodity Credit Corporation shall place all insurance of every nature taken out by it on cotton, and all renewals, extensions, or continuations of existing insurance, with insurance agents who are bona fide residents of and doing business in the State where the cotton is warehoused: *Provided*, That such insurance may be secured at a cost not greater than similar insurance offered on said cotton elsewhere.

(b) Cotton held as security for any loan heretofore or hereafter made or arranged for by the Commodity Credit Corporation shall not hereafter be reconcentrated without the written consent of the producer or borrower. (Feb. 16, 1938, Title III, sec. 383, 52 Stat. 67;

7 U. S. C., sec. 1383.)

630-187. Written consent for reconcentration of cotton.—[This section is not a part of the Agricultural Adjustment Act of 1938.]—That in the administration of section 383 (b) of the Agricultural Adjustment Act of 1938 the written consent of the producer or borrower to the reconcentration of any cotton held as security for any loan heretofore or hereafter made or arranged for by the Commodity Credit Corporation shall not be deemed to have been given unless such consent shall have been given in an instrument made solely for that purpose. Notwithstanding any provision of any loan agreement heretofore made, no cotton held under any such agreement as security for any such loan shall be moved from one warehouse to another unless the written consent of the producer or borrower shall have been obtained in a separate instrument given solely for that purpose, as required by this Act. The giving of written consent for the reconcentration of cotton shall not be made a condition upon the making of any loan hereafter made or arranged for by the Commodity Credit Corporation: Provided, however, That in cases where there is congestion and lack of storage facilities, and the local warehouse certifies such fact and requests the Commodity Credit Corporation to move the cotton for reconcentration to some other point, or when the Commodity Credit Corporation determines such loan cotton is improperly warehoused and subject to damage, or if uninsured, or if any of the terms of the loan agreement are violated, or if carrying charges are substantially in excess of the average of carrying charges available elsewhere, and the local warehouse, after notice, declines to reduce such charges, such written consent as provided in this amendment need not be obtained; and consent to movement under any of the conditions of this proviso may be required in future loan agreements. (June 16, 1938, 52 Stat. 762; 7 U.S. C., sec. 1383a. See par. 630-9, this volume.)

630-188. Report of benefits.—The Secretary shall submit to Congress an annual report of the names of persons to whom, during the preceding year, payments were made under the Soil Conservation and Domestic Allotment Act, as amended, together with payments under section 303 of this Act, if any, if the total amount paid to such person exceeded \$1,000. (Feb. 16, 1938, Title III, sec. 384, 52 Stat. 68;

7 U. S. C., sec. 1384.)

630-189. Finality of farmers' payments and loans.—The facts constituting the basis for any Soil Conservation Act payment, parity payment, or loan, or the amount thereof, when officially determined in conformity with the applicable regulations prescribed by the Secretary or by the Commodity Credit Corporation, shall be final and conclusive and shall not be reviewable by any other officer or agency of the Government. In case any person who is entitled to any such payment dies, becomes incompetent, or disappears before receiving such payment, or is succeeded by another who renders or completes the required performance, the payment shall, without regard to any other provisions of law, be made as the Secretary of Agriculture may determine to be fair and reasonable in all the circumstances and provide by regu-

lations. (Feb. 16, 1938, Title III, sec. 385, 52 Stat. 68; July 2, 1940,

sec. 7, 54 Stat. 728; 7 U.S. C., sec. 1385.)

630–190. Exemption from laws prohibiting interest of members of Congress in contracts.—The provisions of section 3741 of the Revised Statutes (U. S. C., 1934 edition, title 41, sec. 22) and sections 114 and 115 of the Criminal Code of the United States (U. S. C., 1934 edition, title 18, secs. 204 and 205) shall not be applicable to loans or payments made under this Act (except under section 383 (a)). (Feb. 16, 1938, Title III, sec. 386, 52 Stat. 68; 7 U. S. C., sec. 1386.)

630-191. Photographic reproductions and maps.—The Secretary may furnish reproductions of such aerial or other photographs, mosaics, and maps as have been obtained in connection with the authorized work of the Department to farmers and governmental agencies at the estimated cost of furnishing such reproductions, and to persons other than farmers at such prices (not less than estimated cost of furnishing such reproductions) as the Secretary may determine, the money received from such sales to be deposited in the Treasury to the credit of the appropriation charged with the cost of making such reproductions. This section shall not affect the power of the Secretary to make other disposition of such or similar materials under any other provisions of existing law. (Feb. 16, 1938, Title III, sec. 387, 52

Stat. 68; 7 U. S. C., sec. 1387.)

630-192. Utilization of local agencies.—(a) The provisions of section 8 (b) and section 11 of the Soil Conservation and Domestic Allotment Act, as amended, relating to the utilization of State, county, local committees, the extension service, and other approved agencies, and to recognition and encouragement of cooperative associations, shall apply in the administration of this Act; and the Secretary shall, for such purposes, utilize the same local, county, and State committees as are utilized under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended. The local administrative areas designated under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended, for the administration of programs under that Act, and the local administrative areas designated for the administration of this Act shall be the same.

(b) The Secretary is authorized and directed, from any funds made available for the purposes of the Acts in connection with which county committees are utilized, to make payments to county committees of farmers to cover the estimated administrative expenses incurred or to be incurred by them in cooperating in carrying out the provisions of such Acts. All or part of such estimated administrative expenses of any such committee may be deducted pro rata from the Soil Conservation Act payments, parity payments, or loans, or other payments under such Acts, made unless payment of such expenses is otherwise provided by law. The Secretary may make such payments to such committees in advance of determination of performance by farmers. (Feb. 16, 1938, Title III, sec. 388, 52 Stat. 68; 7 U. S. C., sec. 1388.)

630-193. Personnel.—The Secretary is authorized and directed to provide for the execution by the Agricultural Adjustment Administration of such of the powers conferred upon him by this Act as he deems may be appropriately exercised by such Administration; and

for such purposes the provisions of law applicable to appointment and compensation of persons employed by the Agricultural Adjustment Administration shall apply. (Feb. 16, 1938, Title III, sec.

389, 52 Stat. 69; 7 U. S. C., sec. 1389.)

630-194. Separability clause.—If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons or circumstances, and the provisions of the Soil Conservation and Domestic Allotment Act, as amended, shall not be affected thereby. Without limiting the generality of the foregoing, if any provision of this Act should be held not to be within the power of the Congress to regulate interstate and foreign commerce, such provision shall not be held invalid if it is within the power of the Congress to provide for the general welfare or any other power of the Congress. If any provision of this Act for marketing quotas with respect to any commodity should be held invalid, no provision of this Act for marketing quotas with respect to any other commodity shall be affected thereby. If the application of any provision for a referendum should be held invalid, the application of other provisions shall not be affected thereby. If by reason of any provision for a referendum the application of any such other provision to any person or circumstance is held invalid, the application of such other provision to other persons or circumstances shall not be affected thereby. (Feb. 16, 1938, Title III, sec. 390, 52 Stat. 69; 7 U. S. C., sec. 1390.)

630-195. Appropriations.—(a) Beginning with the fiscal year ending June 30, 1938, there is hereby authorized to be appropriated, for each fiscal year for the administration of this Act and for the making of soil conservation and other payments such sums as Congress may determine, in addition to any amount made available pursuant to section 15 of the Soil Conservation and Domestic Allotment Act, as

amended.

(b) For the administration of this Act (including the provisions of title V) during the fiscal year ending June 30, 1938, there is hereby authorized to be made available from the funds appropriated for such fiscal year for carrying out the purposes of sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, a sum not

to exceed \$5,000,000.

(c) During each fiscal year, beginning with the fiscal year ending June 30, 1941, the Commodity Credit Corporation is authorized and directed to loan to the Secretary such sums, not to exceed \$50,000,000, as he estimates will be required during such fiscal year, to make crop insurance premium advances and to make advances pursuant to the applicable provisions of sections 8 and 12 of the Soil Conservation and Domestic Allotment Act, as amended, in connection with programs applicable to crops harvested in the calendar year in which such fiscal year ends, and to pay the administrative expenses of county agricultural conservation associations for the calendar year in which such fiscal year ends. The sums so loaned during any fiscal year shall be transferred to the current appropriation available for carrying out sections 7 to 17 of such Act and shall be repaid, with interest at a rate to be determined by the Secretary but not less than the cost of money to the Commodity Credit Corporation for a com-

parable period, during the succeeding fiscal year from the appropriation available for that year or from any unobligated balance of the appropriation for any other year. (Feb. 16, 1938, Title III, sec. 391, 52 Stat. 69; July 2, 1940, sec. 8, 54 Stat. 728; 7 U. S. C., sec. 1391.)

630-196. Administrative expenses; posting names and compensation of local employees.—(a) The Secretary is authorized and directed to make such expenditures as he deems necessary to carry out the provisions of this Act, including personal services and rents in the District of Columbia and elsewhere, traveling expenses (including the purchase, maintenance, and repair of passenger-carrying vehicles), supplies and equipment, law books, books of reference, directories, periodicals, and

newspapers.

(b) In the administration of this title, sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and section 32, as amended, of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935, the aggregate amount expended in any fiscal year, beginning with the fiscal year ending June 30, 1939, for administrative expenses in the District of Columbia, including regional offices, shall not exceed 1 per centum of the total amount available for such fiscal year for carrying out such Acts, and the aggregate amount expended in any fiscal year for administrative expenses in the several States (not including the expenses of county and local committees) shall not exceed 2 per centum of the total amount available for such fiscal year for carrying out such Acts. In the event any administrative expenses of any county or local committee are deducted in any fiscal year, beginning with the fiscal year ending June 30, 1939, from Soil Conservation Act payments, parity payments, or loans, each farmer receiving benefits under such provisions shall be apprised, in the form of a statement to accompany the check evidencing such benefit payment or loan, of the amount or percentage deducted from such benefit payment or loan on account of such administrative expenses. The names and addresses of the members and employees of any county or local committee, and the amount of such compensation received by each of them, shall be posted annually in a conspicuous place in the area within which they are employed. (Feb. 16, 1938, Title III, sec. 392, 52 Stat. 69; 7 U. S. C., sec. 1392.)

630-197. Allotment of appropriations.—All funds for carrying out the provisions of this Act shall be available for allotment to bureaus and offices of the Department, and for transfer to such other agencies of the Federal Government, and to such State agencies, as the Secretary may request to cooperate or assist in carrying out the provisions of this Act. (Feb. 16, 1938, Title III, sec. 393, 52 Stat. 70; 7 U. S.

C., sec. 1393.)

630-198. Cotton pool participation trust certificates. Appropriation.—There is hereby authorized to be appropriated, from any moneys in the Treasury of the United States not otherwise appropriated, the sum of \$1,800,000, or so much thereof as may be required by the Secretary to accomplish the purposes hereinafter declared and authorized. The Secretary of the Treasury is hereby authorized and directed to pay to, or upon the order of, the Secretary, such a part or all of the sum hereby authorized to be appropriated at the request of

the Secretary. (Feb. 16, 1938, Title IV, sec. 401, 52 Stat. 70; 7

U. S. C., sec. 1401.)

630-199. Deposit of appropriation to credit of Secretary of Agriculture.— The Secretary is hereby authorized to draw from the Treasury of the United States any part or all of the sum hereby authorized to be appropriated, and to deposit same to his credit with the Treasurer of the United States, under special symbol number, to be available for disbursement for the purposes hereinafter stated. (Feb. 16, 1938,

Title IV, sec. 402, 52 Stat. 70; 7 U. S. C., sec. 1402.)

630-200. Allotment of funds to manager of cotton pool for purchase of certificates.—The Secretary is hereby authorized to make available, from the sum hereby authorized to be appropriated, to the manager of the cotton pool, such sum or sums as may be necessary to enable the manager to purchase, take up, and cancel, subject to the restrictions hereinafter reserved, pool participation trust certificates, form C-5-I, where such certificates shall be tendered to the manager, cotton pool, by the person or persons shown by the records of the Department to have been the lawful holder and owner thereof on or before May 1, 1938, the purchase price to be paid for the certificates so purchased to be at the rate of \$1 per five-hundred-pound bale for every bale or fractional part thereof represented by the certificates C-5-I. The Secretary is further authorized to pay directly, or to advance to, the manager of the cotton pool, to enable him to pay costs and expenses incident to the purchase of certificates as aforesaid, and any balance remaining to the credit of the Secretary, or the manager, cotton pool, not required for the purchase of these certificates in accordance with provisions of this Act, shall, at the expiration of the purchase period, be covered into the Treasury of the United States as miscellaneous receipts. (Feb. 16, 1938, Title IV, sec. 403, 52 Stat. 70, as amended Apr. 7, 1938, sec. 13, 52 Stat. 204; 7 U. S. C., sec. 1403.)

630-201. Purchase of outstanding pool participation certificates; time limit; rules and regulations.—The authority of the manager, cotton pool, to purchase and pay for certificates hereunder shall extend to and include the 31st day of July 1938: Provided, That after expiration of the said limit, the purchase may be consummated of any certificates tendered to the manager, cotton pool, on or before July 31, 1938, but where for any reason the purchase price shall not have been paid by the manager, cotton pool. The Secretary is authorized to promulgate such rules, regulations, and requirements as in his discretion are proper to effectuate the general purposes of this title, which purpose is here stated to be specifically to authorize the purchase of outstanding pool participation trust certificates, form C-5-I, for a purchase price to be determined at the rate of \$1 per bale, or twenty one-hundredths cent per pound, for the cotton evidenced by the said certificates, provided such certificates be tendered by holders thereof in accordance with regulations prescribed by the Secretary not later than the 31st day of July 1938, and provided such certificates may not be purchased from persons other than those shown by the records of the Department to have been holders thereof on or before the 1st day of May 1938. (Feb. 16, 1938, Title IV, sec. 404, 52 Stat. 71, as amended Apr. 7, 1938, sec. 13, 52 Stat. 204; 7 U. S. C.,

sec. 1404.)

630–202. Same; extension of time limit.—[This section is not a part of the Agricultural Adjustment Act of 1938 and is restated from the separate acts indicated in the statutory reference]—That the authority of the manager, cotton pool, to purchase and pay for participation trust certificates, Form C–5–I, shall extend to and include the 30th day of September 1939, but after the expiration of said limit the purchase may be consummated of any such certificates tendered to the manager, cotton pool, on or before September 30, 1939, but where for any reason the purchase price shall not have been paid by the manager, cotton pool: Provided further, That the date May 1, 1938, appearing in title IV of the Agricultural Adjustment Act of 1938, as amended, shall not be applicable. (June 16, 1938, Title I, 52 Stat. 747; Apr. 5, 1939, 53 Stat. 572; 7 U. S. C., sec. 1404a. See par. 630–9, this volume.)

630-203. Same; death, incompetence, or disappearance of payee.—[This section is not a part of the Agricultural Adjustment Act of 1938 and is restated from the separate acts indicated in the statutory reference]—That in case any person who is entitled to payment on a participation trust certificate, Form C-5-I, dies, becomes incompetent, or disappears before receiving such payment or before application for such payment is executed, the Secretary of Agriculture shall provide by regulations, without regard to any other provisions of law, for such payment to such person as he may determine to be fairly and reasonably entitled thereto. (June 16, 1938, Title I, 52 Stat. 747; 7 U. S. C.,

sec. 1404b. See par. 630-9, this volume.)

630-204. Continuance of 1933 cotton producers pool; funds for payment of expenses.—The Secretary is authorized to continue in existence the 1933 cotton producers pool so long as may be required to effectuate the purposes of this title. All expense incident to the accomplishment of purposes of this title may be paid from funds hereby authorized to be appropriated, for which purpose the fund hereby authorized to be appropriated shall be deemed as supplemental to such funds as are now to the credit of the Secretary, reserved for the purpose of defraying operating expenses of the pool. (Feb. 16, 1938, Title IV, sec. 405, 52 Stat. 71; 7 U. S. C., sec. 1405.)

630-205. Prohibition of purchase of certificates after expiration of time limit.—After expiration of the time limit herein established, the certificates then remaining outstanding and not theretofore tendered to the manager, cotton pool, for purchase, shall not be purchased and no obligation on account thereof shall exist. (Feb. 16, 1938, Title IV,

sec. 406, 52 Stat. 71; 7 U. S. C., sec. 1406.)

630-206. Purchase from assignee of certificates; price.—Nothing in this title shall be construed to authorize the manager, cotton pool, to pay the assignee or any holder of such cotton pool participation trust certificates, form C-5-I, transferred subsequent to May 1, 1937, as shown by the records of the Department of Agriculture, more than the purchase price paid by the assignee or holder of such certificate or certificates with interest at the rate of 4 per centum per annum from the date of purchase, provided the amount paid such assignee shall not exceed \$1 per bale. Before making payment to any assignee, whose certificates were transferred subsequent to May 1, 1937, such assignee shall file with the manager, cotton pool, an affidavit showing the amount paid by him for such certificate and the date of such payment,

and the manager, cotton pool, is authorized to make payment to such assignee based upon the facts stated in said affidavit as aforesaid. (Feb. 16, 1938, Title IV, sec. 407, 52 Stat. 71, as amended Apr. 7, 1938, sec. 15, 52 Stat. 204; 7 U. S. C., sec. 1407.)

CROP INSURANCE

630-207. Short title; application of other laws.—This title may be cited as the "Federal Crop Insurance Act". Except as otherwise expressly provided the provisions in titles I to IV, inclusive, shall not apply with respect to this title, and the term "Act" wherever it appears in such titles shall not be construed to include this title. (Feb. 16, 1938, Title V. sec. 501, 52 Stat. 72; 7 U. S. C., sec. 1501.)

630-208. Declaration of purpose.—It is the purpose of this title to promote the national welfare by alleviating the economic distress caused by wheat-crop failures due to drought and other causes, by maintaining the purchasing power of farmers, and by providing for stable supplies of wheat for domestic consumption and the orderly flow thereof in interstate commerce. (Feb. 16, 1938, Title V, sec. 502,

52 Stat. 72; 7 U. S. C., sec. 1502.) 630-209. Federal Crop Insurance Corporation; creation; offices.—To carry out the purposes of this title, there is hereby created as an agency of and within the Department of Agriculture a body corporate with the name "Federal Crop Insurance Corporation" (herein called the Corporation). The principal office of the Corporation shall be located in the District of Columbia, but there may be established agencies or branch offices elsewhere in the United States under rules and regulations prescribed by the Board of Directors. (Feb. 16, 1938, Title V, sec. 503, 52 Stat. 72; 7 U. S. C., sec. 1503.)

630-210. Capital stock of corporation; subscription by United States; appropriation.—(a) The Corporation shall have a capital stock of \$100,000,000 subscribed by the United States of America, payment for which shall, with the approval of the Secretary of Agriculture, be subject to call in whole or in part by the Board of Directors of the

Corporation.

Any impairment of the capital stock described in this subsection shall be restored only out of operating profits of the Corporation.

(b) There is hereby authorized to be appropriated not more than

\$100,000,000 for the purpose of subscribing to said stock. No part of such sum shall be available prior to July 1, 1938. The appropriation for such purpose for the fiscal year ending June 30, 1939, shall not exceed \$20,000,000 and shall be made only out of the unexpended balances for the fiscal year ending June 30, 1938, of the sums appropriated pursuant to section 15 of the Soil Conservation and Domestic Allotment Act, as amended.

(c) Receipts for payments by the United States of America for or on account of such stock shall be issued by the Corporation to the Secretary of the Treasury and shall be evidence of the stock ownership by the United States of America. (Feb. 16, 1938, Title V, sec.

504, 52 Stat. 72; 7 U. S. C., sec. 1504.)

630-211. Board of directors, compensation; manager of corporation. (a) The management of the Corporation shall be vested in a Board of Directors (hereinafter called the "Board") subject to the general

supervision of the Secretary of Agriculture. The Board shall consist of three persons employed in the Department of Agriculture who shall be appointed by and hold office at the pleasure of the Secretary of Agriculture.

(b) Vacancies in the Board so long as there shall be two members in office shall not impair the powers of the Board to execute the functions of the Corporation, and two of the members in office shall constitute a quorum for the transaction of the business of the Board.

(c) The Directors of the Corporation appointed as hereinbefore provided shall receive no additional compensation for their services as such directors but may be allowed actual necessary traveling and subsistence expenses when engaged in business of the Corporation outside of the District of Columbia.

(d) The Board shall select, subject to the approval of the Secretary of Agriculture, a manager, who shall be the executive officer of the Corporation with such power and authority as may be conferred upon him by the Board. (Feb. 16, 1938, Title V, sec. 505, 52 Stat. 72;

7 U. S. C., sec. 1505.)

630-212. General powers of corporation.—The Corporation—

(a) shall have succession in its corporate name;

(b) may adopt, alter, and use a corporate seal, which shall be

judicially noticed;

(c) may make contracts and purchase or lease and hold such real and personal property as it deems necessary or convenient in the transaction of its business, and may dispose of such property held by it upon such terms as it deems appropriate;

(d) subject to the provisions of section 508 (c), may sue and be sued in its corporate name in any court of competent jurisdiction, State or Federal: *Provided*, That no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Corporation or its property;

(e) may adopt, amend, and repeal by-laws, rules, and regulations governing the manner in which its busines may be conducted and the

powers granted to it by law may be exercised and enjoyed:

(f) shall be entitled to the free use of the United States mails in the same manner as the other executive agencies of the Government;

(g) with the consent of any board, commission, independent establishment, or executive department of the Government, including any field service thereof, may avail itself of the use of information, services, facilities, officials, and employees thereof in carrying out the provisions of this title;

(h) may conduct researches, surveys, and investigations relating

to crop insurance for wheat and other agricultural commodities;

(i) shall determine the character and necessity for its expenditures under this title and the manner in which they shall be incurred, allowed, and paid, without regard to the provisions of any other laws governing the expenditure of public funds and such determinations shall be final and conclusive upon all other officers of the Government; and

(j) shall have such powers as may be necessary or appropriate for the exercise of the powers herein specifically conferred upon the Corporation and all such incidental powers as are customary in corporations generally. (Feb. 16, 1938, Title V, sec. 506, 52 Stat. 73; 7 U. S. C., sec. 1506.)

630-213. Personnel of corporation.—

Appointment; civil service exemption; compensation; bonds. (a) The Secretary shall appoint such officers and employees as may be necessary for the transaction of the business of the Corporation, which appointments may be made without regard to the civil-service laws and regulations, fix their compensation in accordance with the provisions of the Classification Act of 1923, as amended, define their authority and duties, delegate to them such of the powers vested in the Corporation as he may determine, require bond of such of them as he may designate, and fix the penalties and pay the premiums of such bonds. The appointment of officials and the selection of employees by the Secretary shall be made only on the basis of merit and efficiency.

Application of workmen's compensation law. (b) Insofar as applicable, the benefits of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, shall extend to persons given employment under the provisions of this title, including the employees of the committees and associations referred to in subsection (c) of this section

and the members of such committees.

Utilization of associations of producers; payment of expenses. (c) The Board may establish or utilize committees or associations of producers in the administration of this title and make payments to such committees or associations to cover the estimated administrative expenses to be incurred by them in cooperating in carrying out this title and may provide that all or part of such estimated expenses may be included in the insurance premiums provided for in this title.

Allotment of funds to federal and state agencies. (d) The Secretary of Agriculture may allot to bureaus and offices of the Department of Agriculture or transfer to such other agencies of the State and Federal Governments as he may request to assist in carrying out this title any funds made available pursuant to the provisions of section 516 of this

Act.

Utilization of producer cooperative associations. (e) In carrying out the provisions of this title the Board may, in its discretion, utilize producer-owned and producer-controlled cooperative associations. (Feb. 16, 1938, Title V, sec. 507, 52 Stat. 73; 7 U. S. C., sec. 1507 (a) to (e).)

630-214. Wheat crop insurance.—To carry out the purposes of this

title the Corporation is authorized and empowered-

Insurance against loss authorized; terms and conditions. (a) Commencing with the wheat crop planted for harvest in 1939 to insure, upon such terms and conditions not inconsistent with the provisions of this title as it may determine, producers of wheat against loss in yields of wheat due to unavoidable causes, including drought, flood, hail, wind, winterkill, lightning, tornado, insect infestation, plant disease, and such other unavoidable causes as may be determined by the Board: Provided, however, That for the first three years of operation under this title contracts of insurance shall not be made for periods longer than one year: Provided further, That the Corporation may, upon such terms and conditions as it shall determine, accept payments from producers in any year to be applied toward premiums on their insurance contracts for the current and next suc-

ceeding year. Such insurance shall not cover losses due to the neglect or malfeasance of the producer or to the failure of the producer to reseed in areas and under circumstances where it is customary to reseed. Such insurance shall cover not less than 50 or more than 75 per centum, to be determined by the Board, of the recorded or appraised average yield of wheat on the insured farm for a representative base period subject to such adjustments as the Board may prescribe to the end that the average yields fixed for farms in the same area, which are subject to the same conditions, may be fair and just. The Board may condition the issuance of such insurance in any county or area upon a minimum amount of participation in a program of crop insurance formulated pursuant to this title.

Premiums. (b) To fix adequate premiums for such insurance, payable either in wheat or cash equivalent as of the due date thereof, on the basis of the recorded or appraised average crop loss of wheat on the insured farm for a representative base period subject to such adjustments as the Board may prescribe to the end that the premiums fixed for farms in the same area, which are subject to the same conditions, may be fair and just. Such premiums shall be collected at such time or times, in such manner, and upon such security as

the Board may determine.

Payments of claims; actions on claims. (c) To adjust and pay claims for losses either in wheat or in cash equivalent under rules prescribed by the Board. In the event that any claim for indemnity under the provisions of this title is denied by the Corporation an action on such claim may be brought against the Corporation in the district court of the United States in and for the district in which the insured farm is located, and exclusive jurisdiction is hereby conferred upon such courts to determine such controversies without regard to the amount in controversy: *Provided*, That no suit on such claim shall be allowed under this section unless the same shall have been brought within one year after the date when notice of denial of the claim is mailed to the claimant.

Purchase and sale of wheat. (d) From time to time, in such manner and through such agencies as the Board may determine, to purchase, handle, store, insure, provide storage facilities for, and sell wheat, and pay any expenses incidental thereto, it being the intent of this provision, however, that, insofar as practicable, the Corporation shall purchase wheat only at the rate and to a total amount equal to the payment of premiums in cash by farmers or to replace promptly wheat sold to prevent deterioration; and shall sell wheat only to the extent necessary to cover payments of indemnities and to prevent deterioration: Provided, however, That nothing in this section shall prevent prompt offset purchases and sales of wheat for convenience in handling. The restriction on the purchase and sale of wheat provided in this section shall be made a part of any crop insurance agreement made under this title. Notwithstanding any provision of this title, there shall be no limitation upon the legal or equitable remedies available to the insured to enforce against the Corporation the foregoing restriction with respect to purchases and sales of wheat. (Feb. 16, 1938, Title V, sec. 508, 52 Stat. 74, as amended June 22, 1938, 52 Stat. 835; 7 U. S. C., sec. 1508 (a) to (d).)

630-215. Exemption of indemnities from levy.-Claims for indemnities under this title shall not be liable to attachment, levy, garnishment, or any other legal process before payment to the insured or to deduction on account of the indebtedness of the insured or his estate to the United States except claims of the United States or the Corporation arising under this title. (Feb. 16, 1938, Title V, sec. 509,

52 Stat. 75; 7 U.S. C., sec. 1509.)
630-216. Deposit and investment of funds; Federal Reserve banks as fiscal agents.—All money of the Corporation not otherwise employed may be deposited with the Treasurer of the United States or in any bank approved by the Secretary of the Treasury, subject to withdrawal by the Corporation at any time, or with the approval of the Secretary of the Treasury may be invested in obligations of the United States or in obligations guaranteed as to principal and interest by the United States. Subject to the approval of the Secretary of the Treasury, the Federal Reserve banks are hereby authorized and directed to act as depositories, custodians, and fiscal agents for the Corporation in the performance of its powers conferred by this title. (Feb. 16, 1938, Title V, sec. 510, 52 Stat. 75; 7 U. S. C., sec. 1510.)

630-217. Tax exemption.—The Corporation, including its franchise, its capital, reserves, and surplus, and its income and property, shall be exempt from all taxation now or hereafter imposed by the United States or by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.

16, 1938, Title V, sec. 511, 52 Stat. 75; 7 U. S. C., sec. 1511.)
630-218. Corporation as fiscal agent of Government.—When designated for that purpose by the Secretary of the Treasury, the Corporation shall be a depository of public money, except receipts from customs, under such regulations as may be prescribed by said Secretary; and it may also be employed as a financial agent of the Government; and it shall perform all such reasonable duties, as a depository of public money and financial agent of the Government, as may be required of it. (Feb. 16, 1938, Title V, sec. 512, 52 Stat. 75; 7 U. S. C., sec. 1512.)

630-219. Accounting by corporation.—The Corporation shall at all times maintain complete and accurate books of account and shall file annually with the Secretary of Agriculture a complete report as to the business of the Corporation. The financial transactions of the Corporation shall be audited at least once each year by the General Accounting Office for the sole purpose of making a report to Congress, together with such recommendations as the Comptroller General of the United States may deem advisable: Provided, That such report shall not be made until the Corporation shall have had reasonable opportunity to examine the exceptions and criticisms of the Comptroller General or the General Accounting Office, to point out errors therein, explain or answer the same, and to file a statement which shall be submitted by the Comptroller General with his report. (Feb. 16, 1938, Title V, sec. 513, 52 Stat. 76; 7 U. S. C., sec. 1513.)

630-220. Crimes and offenses .--

False statements; overvaluation of securities. (a) Whoever makes any statement knowing it to be false, or whoever willfully overvalues any security, for the purpose of influencing in any way the action of the Corporation, or for the purpose of obtaining for himself or another money, property, or anything of value, under this title, shall be punished by a fine of not more than \$5,000 or by imprisonment for not

more than two years, or both.

Speculation by employers in commodities or stock of handling corporations. (b) No person shall, while acting in any official capacity in the administration of this title, speculate, directly or indirectly, in any agricultural commodity or product thereof, to which this title applies, or in contracts relating thereto, or in the stock or membership interests of any association or corporation engaged in handling, processing, or disposing of any such commodity or product. Any person violating this subsection shall upon conviction thereof be fined not more than \$10,000 or imprisoned not more than two years, or both.

Embezzlement, etc.; false entries; fraudulent issue of obligations of corporation. (c) Whoever, being connected in any capacity with the Corporation, (1) embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to the Corporation or pledged or otherwise entrusted to it; or (2) with intent to defraud the Corporation, or any other body politic or corporate, or any individual, or to deceive any officer, auditor, or examiner of the Corporation, makes any false entry in any book, report, or statement of, or to, the Corporation or draws any order, or issues, puts forth, or assigns any note or other obligation or draft, mortgage, judgment, or decree thereof; or (3) with intent to defraud the Corporation, participates or shares in or receives directly or indirectly any money, profit, property, or benefits through any transaction, loan, commission, contract, or any other act of the Corporation, shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than five years, or both.

Misappropriation of pledged securities. (d) Whoever willfully shall conceal, remove, dispose of, or convert to his own use or to that of another, any property mortgaged or pledged to, or held by, the Corporation, as security for any obligation, shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than two years.

or both.

Conspiracy to commit offense. (e) Whoever conspires with another to accomplish any of the acts made unlawful by the preceding provisions of this section shall, on conviction thereof, be subject to the same fine or imprisonment, or both, as is applicable in the case of conviction for

doing such unlawful act.

Application of laws on interest of members of Congress in contracts. (f) The provisions of sections 112, 113, 114, 115, 116, and 117 of the Criminal Code of the United States (U. S. C., title 18, secs. 202 to 207, inclusive) insofar as applicable are extended to apply to contracts or agreements with the Corporation under this title: *Provided*, however, That the provisions of section 3741 of the Revised Statutes (U. S. C., title 41, sec. 22) and sections 114 and 115 of the Criminal Code of the United States shall not apply to any crop-insurance agreements made under this title. (Feb. 16, 1938, Title V, sec. 514, 52 Stat. 76; 7 U. S. C., sec. 1514(a) to (f).)

630-221. Advisory committee; appointment and compensation.—The The Secretary of Agriculture is authorized to appoint from time to time an advisory committee, consisting of not more than five members experienced in agricultural pursuits and appointed with due considera-

tion to their geographical distribution, to advise the Corporation with respect to carrying out the purposes of this title. The compensation of the members of such committee shall be determined by the Board but shall not exceed \$10 per day each while actually employed and actual necessary traveling and subsistence expenses, or a per diem allowance in lieu thereof. (Feb. 16, 1938, Title V, sec. 515, 52 Stat. 77;

7 U. S. C., sec. 1515.)

630-222. Appropriations and regulations.—(a) There are hereby authorized to be appropriated such sums, not in excess of \$6,000,000 for each fiscal year beginning after June 30, 1938, as may be necessary to cover the operating and administrative costs of the Corporation, which shall be allotted to the Corporation in such amounts and at such time or times as the Secretary of Agriculture may determine: Provided, That expenses in connection with the purchase, transportation, handling, or sale of wheat may be considered by the Corporation as being nonadministrative or nonoperating expenses. For the fiscal year ending June 30, 1939, the appropriation authorized under this subsection is authorized to be made only out of the unexpended balances for the fiscal year ending June 30, 1938, of the sums appropriated pursuant to section 15 of the Soil Conservation and Domestic Allotment Act, as amended.

(b) The Secretary and the Corporation, respectively, are authorized to issue such regulations as may be necessary to carry out the provisions of this title. (Feb. 16, 1938, Title V, sec. 516, 52 Stat. 77; 7 U. S. C.,

sec. 1516.)

630-223. Separability clause.—The sections of this title and subdivisions of sections are hereby declared to be separable, and in the event anyone or more sections or parts of the same of this title be held to be unconstitutional, the same shall not affect the validity of other sections or parts of sections of this title. (Feb. 16, 1938, Title V, sec. 517, 52 Stat. 77; 7 U. S. C., sec. 1517.)

630-224. Amendment or repeal.—The right to alter, amend, or repeal this title is hereby reserved. (Feb. 16, 1938, Title V, sec. 518, 52 Stat.

77; 7 U. S. C., sec. 1518.)

SEEDS

630-225. Short title.—That this Act may be cited as the "Federal Seed Act". (Aug. 9, 1939, sec. 1, 53 Stat. 1275; 7 U. S. C., sec. 1551.)

630-226. Definition of terms.—(a) When used in this Act—

(1) The term "United States" means the several States, Alaska, District of Columbia, Hawaii, and Puerto Rico.

(2) The term "person" includes a partnership, corporation, com-

pany, society, or association.

3) The term "interstate commerce" means—

(A) commerce between any State, Territory, possession, or the District of Columbia, and any other State, Territory, possession, or the District of Columbia; or

(B) commerce between points within the same State, Territory, or possession, or the District of Columbia, but through any

place outside thereof; or

(C) commerce within the District of Columbia.

(4) For the purposes of this Act with respect to labeling for variety and origin (but not in anywise limiting the foregoing definition), seeds shall be considered to be in interstate commerce, or delivered for transportation in interstate commerce, if such seeds are part of, or delivered for transportation in, that current of commerce usual in the transportation and/or merchandising of seeds, whereby such seeds are sent from one State with the expectation that they will end their transit in another, including, in addition to cases within the above general description, all cases where seeds are transported or delivered for transportation to another State, or for processing or cleaning for seeding purposes within the State and shipment outside the State of the processed or cleaned seeds. Seeds normally in such current of commerce shall not be considered out of such current through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this Act.

(5) The term "foreign commerce" means commerce between the United States, its possessions, or any Territory of the United States,

and any foreign country.

(6) (a) The term "district court of the United States" means any court exercising the powers of a district court of the United States.

(b) The term "circuit court of appeals", in case the principal place of business or the place of residence of a person against whom a cease and desist order is issued is in the District of Columbia, includes the Court of Appeals of the District of Columbia.

(7) The term—

(A) "Agricultural seeds" shall include grass, forage, and field crop seeds, as follows:

Agropyron cristatum (L.) Beauv.—Crested wheatgrass.

Agropyron pauciflorum (Schwein.) Hitchc.—Slender wheatgrass. Agropyron smithii Rydb.—Bluestem.

Agrostis alba L.—Redtop.

Agrostis canina L.—Velvet bent.

Agrostis palustris Huds.—Creeping bent.

Agrostis spp.—Bentgrasses.

Avena spp.—Oat.

Beta vulgaris L.—Field beet, excluding sugar beet.

Brassica napus L.—Winter rape.

Bromus inermis Leyss.—Smooth brome. Chloris gayana Kunth.—Rhodes grass. Cynosurus cristatus L.—Crested dogtail. Dactylis glomerata L.—Orchard grass.

Echinochloa crusgalli frumentacea (Roxb.) Wight.—Japanese millet.

Fagopyrum vulgare Hill.—Common buckwheat.

Festuca spp.—Fescue.

Gossypium spp.—Cotton. Hordeum spp.—Barley.

Lespedeza sericea (Thumb.) Mig.—Chinese lespedeza.

Lespedeza stipulacea Maxim.—Korean lespedeza.

Lespedeza striata (Thumb.) Hook and Arn.—Common and Kobe lespedeza.

Linum usitatissimum L.—Flax.

Lolium multiflorum Lam.—Italian ryegrass. Lolium perenne L.—Perennial ryegrass.

Medicago arabica (L.) All.—Bur-clover. Medicago hispida Gaertn.—Bur-clover. Medicago lupulina L.—Black medick.

Medicago sativa L.—Alfalfa.

Melilotus alba Desr.—White sweetclover. Melilotus indica (L.) All.—Sourclover.

Melilotus officinalis (L.) Lam.—Yellow sweetclover.

Melinis minutiflora Beauv.—Molasses grass.

Orvza sativa L.—Rice.

Panicum fasciculatum Swartz.—Browntop millet.

Panicum miliaceum L.—Proso.

Paspalum dilatatum Poir.—Dallis grass. Paspalum notatum Fluegge.—Bahia grass.

Pennisetum glaucum (L.) R. Br.—Pearl millet. Pennisetum purpureum Schumach.—Napier grass.

Phleum pratense L.—Timothy.

Phalaris arundinacea L.—Reed canary grass.

Pisum sativum arvense L. (Poir.).—Field pea, Austrian winter

Poa annua L.—Annual bluegrass.

Poa compressa L.—Canada bluegrass. Poa nemoralis L.—Wood bluegrass. Poa pratensis L.—Kentucky bluegrass. Poa trivialis L.—Rough bluegrass.

Secale cereale L.—Rye.

Setaria italica (L.) Beauv.—Foxtail, German, Hungarian, or golden millet.

Soja max (L.) Piper.—Soybean. Sorghum vulgare Pers.—Sorghum.

Sorghum vulgare sudanese (Piper) Hitchc.—Sudan grass. Stizolobium utile (Wall.) Piper and Tracy.—Velvetbean.

Trifolium dubium Sibth.—Suckling clover. Trifolium hybridum L.—Alsike clover. Trifolum incarnatum L.—Crimson clover.

Trifolum pratense L.—Red clover. Trifolium repens L.—White clover. Triticum spp.—Wheat; spelt; emmer.

Vicia angustifolia (L.) Reich.—Narrowleaf vetch.

Vicia atropurpurea Desf.—Purple vetch. Vicia dasycarpa Ten.—Woollypod vetch. Vicia monantha Desf.—Monantha vetch. Vicia pannonica Crantz.—Hungarian vetch.

Vicia sativa L.—Common vetch. Vicia villosa Roth.—Hairy vetch.

Vigna sinensis (Torner) Savi.—Cowpea.

Zea mays L.—Field corn:

Provided, That the Secretary of Agriculture is authorized by rules and regulations to add to or take from such list of agricultural seed, when he finds that any seeds are or are not used for seeding purposes in the United States.

(B) "Vegetable seeds" shall include the seeds of those crops that are or may be grown in gardens or on truck farms and are or may be generally known and sold under the name of vegetable

(8) (A) For the purpose of title II, the term "weed seeds" means the seeds or bulblets of plants recognized as weeds either by the law or rules and regulations of-

(i) The State into which the seed is offered for transporta-

tion, or transported; or
(ii) Alaska, Hawaii, Puerto Rico, or District of Columbia into which transported, or District of Columbia in which sold.

(B) For the purpose of title III, the term "weed seeds" means seeds or bulblets of plants which are found by the Secretary of Agriculture to be detrimental to the agricultural interests of the United States. or any part thereof.

(9) (A) For the purpose of title II, the term "noxious-weed seeds"

means the seeds or bulblets of plants recognized as noxious-

(i) by the law or rules and regulations of the State into which

the seed is offered for transportation, or transported;

(ii) by the law or rules and regulations of Alaska, Hawaii, Puerto Rico, or the District of Columbia, into which transported,

or District of Columbia in which sold; or

(iii) by the rules and regulations of the Secretary of Agriculture under this Act, when after investigation he shall determine that a weed is noxious in the United States or in any specifically designated area thereof.

(B) For the purpose of title III, the term "noxious-weed seeds" means the seeds of Lepidium draba L., Lepidium repens (Schrenk) Boiss., Hymenophysa pubescens C. A., Mey., white top; Cirsium arvense (L.) Scop., Canada thistle; Cuscuta spp., dodder; Agropyron repens (L.) Beauv., quackgrass; Sorghum halepense (L.) Pers., Johnson grass; Convolvulus arvensis L., bindweed; Centaurea picris Pall., Russian knapweed; Sonchus arvensis L., perennial sowthistle; Euphorbia esula L., leafy spurge; and seeds or bulblets of any other kinds which after investigation the Secretary of Agriculture finds should be included.

(10) The term "origin" means the State, Alaska, District of Columbia, Hawaii, Puerto Rico, or possession of the United States, or the foreign country, or designated portion thereof, where the seed was

(11) The term "kind" means one or more related species or subspecies which singly or collectively is known by one common name, for example, wheat, oat, vetch, sweetclover, cabbage, cauliflower, and so forth.

(12) The term "variety" means a subdivision of a kind which is characterized by growth, plant, fruit, seed, or other characters by which it can be differentiated from other sorts of the same kind, for example, Marquis wheat, Flat Dutch cabbage, Manchu soybeans, Ox-

heart carrot, and so forth.

(13) The term "type" means either (A) a group of varieties so nearly similar that the individual varieties cannot be clearly differentiated except under special conditions, or (B) when used with a variety name means seed of the variety named which may be mixed with seed of other varieties of the same kind and of similar character, the manner of and the circumstances connected with the use of the designation to be governed by rules and regulations prescribed under

section 402 of this Act.

(14) The term "germination" means the percentage of seeds capable of producing normal seedlings under ordinarily favorable conditions (not including seeds which produce weak, malformed, or obviously abnormal sprouts), determined by methods prescribed under section 403 of this Act.

(15) The term "hard seeds" means the percentage of seeds which because of hardness or impermeability do not absorb moisture or germinate under prescribed tests but remain hard during the period prescribed for germination of the kind of seed concerned, determined by methods prescribed under section 403 of this Act.

(16) The term "inert matter" means all matter not seeds, and includes among others broken seeds, sterile florets, chaff, fungus bodies, and stones, determined by methods prescribed under section 403 of

this Act.

(17) The term "pure live seed" for the purpose of title III means that portion of any lot of seed subject to this Act that consists of live agricultural or vegetable seed determined by methods prescribed under section 403 of this Act.

(18) The term "label" means the display or displays of written, printed, or graphic matter upon or attached to the container of seed.

(19) The term "labeling" includes all labels, and other written, printed, and graphic representations, in any form whatsoever, accompanying and pertaining to any seed whether in bulk or in containers, and includes invoices.

(20) The term "advertisement" means all representations, other than those on the label, disseminated in any manner or by any means relat-

ing to seed within the scope of this Act.

(21) Subject to such tolerances as the Secretary of Agriculture is authorized to prescribe under the provisions of this Act—

(A) the term "false labeling" means any labeling which is false or misleading in any particular;

(B) the term "false advertisement" means any advertisement which is false or misleading in any particular.

(22) The term "screenings" shall include chaff, sterile florets, immature seed, weed seed, inert matter, and any other materials removed in any way from any seeds in any kind of cleaning or processing and which contain less than 25 per centum of live agricultural or vegetable seeds.

(23) The term "in bulk" refers to seed when loose either in vehicles of transportation or in storage, and not to seed in bags or other containers. (Aug. 9, 1939, Title I, sec. 101, 53 Stat. 1275; 7 U. S. C.,

sec. 1561.)

630-227. Prohibitions relating to interstate commerce in certain seeds.—It shall be unlawful for any person to transport or deliver for trans-

portation in interstate commerce—

(a) Any agricultural seeds or any mixture of agricultural seeds for seeding purposes, unless each container bears a label giving the following information in accordance with rules and regulations prescribed under section 402 of this Act:

(1) The name of (A) kind, or (B) kind and variety, or (C) kind and type, for each agricultural seed component present in excess of 5 per centum of the whole and the percentage by weight of each: Provided, That such components are expressed in accordance with the category designated under (A), (B), or (C);

(2) Lot number or other identification;

(3) Origin, stated in accordance with paragraph (a) (1) of this section, of each agricultural seed present which has been designated by the Secretary of Agriculture as one on which a knowledge of the origin is important from the standpoint of crop production, if the origin is known, and if each such seed is present in excess of 5 per centum. If the origin of such agricultural seed or seeds is unknown, that fact shall be stated;

(4) Percentage by weight of weed seeds, including noxious-weed

seeds:

(5) Kinds of noxious-weed seeds and the rate of occurrence of each, which rate shall be expressed in accordance with and shall not exceed the rate allowed for shipment, movement, or sale of such noxious-weed seeds by the law and regulations of the State into which the seed is offered for transportation or transported or in accordance with the rules and regulations of the Secretary of Agriculture, when under the provisions of section 101 (a) (9) (A) (iii) he shall determine that weeds other than those designated by State requirements are noxious;

(6) Percentage by weight of agricultural seeds other than those

included under paragraph (a) (1) of this section;

(7) Percentage by weight of inert matter;

(8) For each agricultural seed, in excess of 5 per centum of the whole, stated in accordance with paragraph (a) (1) of this section, (A) percentage of germination, exclusive of hard seed, (B) percentage of hard seed, if present, (C) the calendar month and year the test was

completed to determine such percentages;

(9) Name and address of (A) the person who transports, or delivers for transportation, said seed in interstate commerce, or (B) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce;

(b) Any vegetable seeds, for seeding purposes, in containers, unless each container bears a label giving the following information in accordance with rules and regulations prescribed under section 402 of

this Act:

(1) Name of kind and variety of seed;

(2) For seeds which germinate less than the standard last established by the Secretary of Agriculture, as provided under section 403 (c) of this Act—

(i) percentage of germination, exclusive of hard seed;

(ii) percentage of hard seed, if present; (iii) the calendar month and year the test was completed to determine such percentages;

(iv) the words "Below Standard"; and

(3) Name and address of—

(A) The person who transports, or delivers for transportation, said

seed in interstate commerce; or

(B) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said read in interest.

portation said seed in interstate commerce.

- (c) Any agricultural or vegetable seed unless the test to determine the percentage of germination required by this section shall have been completed within a five-month period, exclusive of the calendar month in which the test was completed, immediately prior to transportation or delivery for transportation in interstate commerce: Provided, however, That the Secretary of Agriculture may by rules and regulations designate: (a) a shorter period for kinds of agricultural or vegetable seed which he finds under ordinary conditions of handling will not maintain, during the aforesaid five-month period, a germination within the established limits of tolerance; or (b) a longer period not to exceed nine months, exclusive of the calendar month in which the test was completed, for kinds of agricultural or vegetable seed which he finds under ordinary conditions of handling will maintain during such longer period a germination within the established limits of tolerance.
- (d) Any agricultural seeds or vegetable seeds having a false labeling, or pertaining to which there has been a false advertisement, or to sell or offer for sale such seed for interstate shipment by himself or others.
- (e) Seed which is required to be stained under the provisions of this Act and the regulations made and promulgated thereunder, and is not so stained.

(f) Seed which has been stained to resemble seed stained in accordance with the provisions of this Act and the regulations made and

promulgated thereunder.

(g) Seed which is a mixture of seeds which are required to be stained or which are stained with different colors under the provisions of this Act and of the regulations made and promulgated thereunder, or which is a mixture of any seed required to be stained under the provisions of this Act and of the regulations made and promulgated thereunder, with seed of the same kind produced in the United States.

(h) Screenings of any seed subject to this Act, unless they are not intended for seeding purposes; and it is stated on the label, if in containers, or on the invoice if in bulk, that they are intended for cleaning, processing, or manufacturing purposes, and not for seeding purposes. (Aug. 9, 1939, Title II, sec. 201, 53 Stat. 1279; 7 U. S. C., sec. 1571.)

630–228. Records.—All persons transporting, or delivering for transportation, in interstate commerce agricultural seeds shall keep for a period of three years a complete record of origin, germination and purity of each lot of agricultural seed offered, and the Secretary of Agriculture, or his duly authorized agents, shall have the right to inspect such records for the purpose of the effective administration of this Act. (Aug. 9, 1939, Title II, sec. 202, 53 Stat. 1281; 7 U. S. C., sec. 1572.)

630-229. Exemptions .-

Carrier transporting seeds. (a) The provisions of sections 201 and 202 shall not apply to any carrier in respect to any seed transported or delivered for transportation in the ordinary course of its business as a carrier: Provided, That such carrier is not engaged in processing or merchandizing seed subject to the provisions of this Act; and such provisions shall not apply to seeds produced by any farmer on his own premises and sold by him directly to the consumer, provided such farmer is not engaged in the business of selling seeds not produced by him: And provided further, That such seeds produced or sold by him when transported or offered for transportation to any State, Territory, or District, shall not be exempted from the provisions of sections 201 and 202 unless said seeds shall be in compliance with the operation and effect of the laws of such State, Territory, or District, enacted in the exercise of its police power, to the same extent and in the same manner as though such seed had been produced, sold, offered or exposed for sale in such State, Territory, or District, and shall not be exempted therefrom by reason of being introduced therein in original packages or otherwise: And provided further, That such seeds produced or sold by him are in compliance with the seed laws of the State into which the seed is transported.

Seeds for seeding purposes. (b) The provisions of section 201 (a) or

(b) shall not apply—

(1) to seed or grain not intended for seeding purposes when transported or offered for transportation in ordinary channels of commerce usual for such seed or grain intended for manufacture or for feeding; or

(2) to seed intended for seeding purposes when transported or

offered for transportation in interstate commerce—

(A) if in bulk, in which case, however, the invoice pertaining to such seed shall bear the various statements required for

the respective seeds under section 201 (a) and (b); or

(B) if consigned to a seed cleaning or processing establishment, to be cleaned or processed for seeding purposes: Provided, That this fact is so stated in the invoice, if in bulk, or on attached labels, if in containers: Provided further, That any such seed later to be labeled as to origin and/or variety, and for which consecutive records are necessary to establish these facts, shall be labeled as to these items in accordance with rules and regulations prescribed under section 402 of this Act.

Emergency preventing presentation of information. (c) When the Secretary of Agriculture finds that, because of the time interval between seed harvesting and sowing, or because of an emergency beyond human control, the information required by this Act as to the germination, and hard seed of certain kinds of seeds, cannot be given prior to transportation or delivery for transportation in interstate commerce, he may promulgate, with or without a hearing, rules and regulations providing that the provisions of section 201 (a) and (b) as to the required labeling for germination and hard seed shall not apply for such period and to such kinds of seed as he may specify in his said rules and regulations.

Intermixture of unidentified seeds. (d) The provisions of section 201 (a) and (b) relative to the labeling of agricultural and vegetable

seeds with the percentages of the kind or variety or type of seeds shall not be deemed violated if there be other seeds in the container or bulk which could not be, or were not, identified because of their indistinguishability in appearance from the seeds intended to be transported or delivered for transportation in interstate commerce, provided that the records of the person charged with the duty under said section of labeling or invoicing the seeds, kept in accordance with the rules and regulations of the Secretary of Agriculture, together with other pertinent facts, disclose that said person has taken all proper precautions to insure the identity to be that stated. (Aug. 9, 1939, Title II, sec. 203, 53 Stat. 1281; 7 U. S. C., sec. 1573 (a) to (d).)

630-230. Disclaimers and nonwarranties.—The use of a disclaimer or nonwarranty clause in any invoice, advertising, labeling, or written, printed, or graphic matter, pertaining to any seed shall not constitute a defense, or be used as a defense in any way, in any prosecution, or in any proceeding for confiscation of seeds, brought under the provisions of this Act, or the rules and regulations made and promulgated thereunder. (Aug. 9, 1939, Title II, sec. 204, 53 Stat. 1282; 7 U. S. C.,

sec. 1574.)

630-231. False advertising.—It shall be unlawful for any person to disseminate, or cause to be disseminated, any false advertisement concerning seed, by the United States mails, or in interstate or foreign commerce, in any manner or by any means, including radio broadcasts: Provided, however, That no person, advertising agency, or medium for the dissemination of advertising, except the person who transported, delivered for transportation, sold, or offered for sale seed to which the false advertisement relates, shall be liable under this section by reason of disseminating or causing to be disseminated any false advertisement, unless he or it has refused, on the request of the Secretary of Agriculture, to furnish the Secretary the name and post-office address of the person, or advertising agency, residing in the United States, who caused, directly or indirectly, the dissemination of such (Aug. 9, 1939, Title II, sec. 205, 53 Stat. 1282; 7 advertisement. U. S. C., sec. 1575.)

630-232. Prohibitions relating to importations.—(a) The importation

into the United States is prohibited of—

(1) any seed containing 10 percentum or more of any agricultural or vegetable seeds if any such seed is adulterated or unfit for seeding purposes, or is required to be stained and is not so stained, under the terms of this title, or the labeling of which is

false or misleading in any respect;

(2) screenings of any seeds subject to title III of this Act (except that this shall not apply to screenings of wheat, oats, rye, barley, buckwheat, field corn, sorghum, broomcorn, flax, millet, proso, soybeans, cowpeas, field peas, or field beans, which are not imported for seeding purposes and are declared for cleaning, processing, or manufacturing purposes, and not for seeding purposes);

(3) any seed containing 10 per centum or more of the seeds of alfalfa or red clover, which has been stained prior to being offered for entry in a manner that does not permit compliance with the provisions of this title and the regulations made and promulgated thereunder. (Aug. 9, 1939, Title III, sec. 301, 53 Stat. 1282; 7

U. S. C., sec. 1581.)

630-233. Procedure relating to importations; disposal of refuse: exceptions.—(a) The Secretary of the Treasury shall deliver to the Secretary of Agriculture, subject to joint rules and regulations prescribed under section 402 of this Act, samples of seed and screenings which are being imported into the United States, or offered for import, giving notice thereof to the consignee, and if it appears from the examination of such samples that any seed or screenings offered to be imported into the United States are subject to the provisions of this title and do not comply with the provisions of this title, or if the labeling of such seed is false or misleading in any respect, such seed or screenings shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee, who may appear, however, before the secretary of Agriculture and show cause why the seed or screenings should be admitted. Seed or screenings refused admission and not exported by the consignee within twelve months from the date of notice of such refusal shall be destroyed in accordance with joint rules and regulations prescribed under section 402 of this Act: Provided, That the Secretary of the Treasury may deliver to the consignee such seed or screenings pending examination and decision in the matter or for staining, if it be seed which is required to be stained, or for cleaning, on the execution of a redelivery bond for such amount as may be necessary under joint rules and regulations prescribed under section 402 of this Act, and on refusal to return such seed or screenings for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding such seed or screenings from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond as liquidated damages: And provided further, That all charges for storage, cartage, and labor on the seed or screenings which are refused admission or delivery, shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against future importation made by such owner or consignee.

(b) The refuse from any seeds or screenings which are allowed to be cleaned under bond shall be destroyed in accordance with joint rules and regulations prescribed under section 402 of this Act.

(c) The provisions of this title shall not apply—

(1) when seed is shipped in bond through the United States,

(2) when the Secretary of Agriculture finds that a substantial proportion of the importations of any kind of seed is used for other than seeding purposes, and he provides by rules and regulations that seed of such kind not imported for seeding purposes shall be exempted from the provisions of the Act: *Provided*, That importations of such kinds of seed shall be accompanied by a declaration setting forth the use for which imported when and as required under joint rules and regulations prescribed under section 402 of this Act. (Aug. 9, 1939, Title III, sec. 302, 53 Stat. 1283; 7 U. S. C., sec. 1582.)

630-234. Adulterated seed.—Seed subject to the provisions of section 301 is adulterated if any kind of such seed contains more than 5 per centum by weight of seed or seeds of another kind or kinds of similar appearance: *Provided*, That the mixture of the seed of white and alsike clover, or red clover and alsike clover, shall not be deemed to

be adulterated, and that other seed mixtures of similar kinds of seeds of similar appearance shall not be deemed to be adulterated when the Secretary of Agriculture finds and prescribes by order that the importation of such seed mixtures for planting is not detrimental to the user of such seeds. (Aug. 9, 1939, Title III, sec. 303, 53 Stat. 1283; 7 U. S. C., sec. 1583.)

630-235. Seed unfit for seeding purposes.—Seed subject to the pro-

visions of section 301 is unfit for seeding purposes-

(a) If any such seed contains noxious-weed seed at a rate in excess of—

(1) one noxious-weed seed in each ten grams of the seed of timothy, orchard grass, bromegrass, crested wheatgrass, slender wheatgrass, ryegrass, sweetclover, alfalfa, millet, rape, flax, clovers, and species of Agrostis, Festuca, or Poa, or any kind of seed of a size and weight similar to or less than those named;

(2) one noxious-weed seed in each twenty-five grams of the seed of sorghum, Sudan grass, and buckwheat, or any kind of seed of a size and weight greater than the seeds referred to in (a) (1), but less than seeds referred to in (a) (3) of this section;

(3) one noxious-weed seed in each one hundred grams of the seed of wheat, oats, rye, barley, vetches, and corn, or any seed of a size and weight similar to or greater than such seed.

(b) If any such seed contains more than 2 per centum by weight

of weed seeds; or

(c) If any such seed contains less than 75 per centum of pure, live seed, or if any component of such seed present to the extent of 10 per centum or more contains less than 75 per centum of live seed: *Provided*, That when the Secretary of Agriculture shall find that any such seed or any kind of seed present to the extent of 10 per centum or more cannot be produced to contain 75 per centum of pure, live seed, he may set up such standard from time to time for pure, live seed as he finds can be produced. (Aug. 9, 1939, Title III, sec. 304, 53 Stat. 1284; 7 U. S. C., sec. 1584.)

630-236. Certain seeds required to be stained.—(a) Any seed containing 10 per centum or more of the seeds of alfalfa and/or red clover, subject to the provisions of section 301, shall be stained in such manner and to such extent as the Secretary of Agriculture by regulation may prescribe and, when practicable, the color produced by

such stain shall indicate the country or region of origin.

(b) Whenever the Secretary of Agriculture, after public hearing, determines that seed of alfalfa or red clover from any foreign country or region is not adapted for general agricultural use in the United States, he shall publish such determination. On and after the expiration of ninety days after the date of such publication, and until such determination is revoked, 10 per centum or more of the seeds in each container of such alfalfa or red clover seed, or any seed containing 10 per centum or more of such alfalfa or red clover seed, shall be stained a red color, in accordance with such regulations as the Secretary of Agriculture may prescribe.

(c) Whenever the origin of the seed of alfalfa or of red clover present in excess of 10 per centum in any seed subject to section 301 of this Act is unestablished, 10 per centum of the seed in each con-

tainer shall be stained a red color.

(d) Whenever the seeds of alfalfa or of red clover of different origins are present in excess of 10 per centum in any seed subject to section 301 of this Act, and different colors are required by reason of such different origins, 10 per centum of the seed in each container

shall be stained red.

(e) Whenever any seed required to be stained under the provisions of this Act is commingled with seed of the same kind grown in the United States, the seed in each container thereof shall be stained (Aug. 9, 1939, title III, sec. 305, 53 Stat. 1284; 10 per centum red. 7 U. S. C., sec. 1585.)

630-237. Certain acts prohibited.—It shall be unlawful for any

person-

(a) To sell or offer for sale—

(1) any seed for seeding purposes if imported under this title for other than seeding purposes;

(2) any screenings of any seeds for seeding purposes if im-

ported under this title for other than seeding purposes;

(3) any seed which is prohibited entry under the provisions

(4) any seed which has been stained to resemble seed stained in accordance with the provisions of this Act and the rules and regulations made and promulgated thereunder;

(5) any seed stained under the provisions of this Act and the rules and regulations made and promulgated thereunder, when mixed with seed of the same kind produced in the United States;

(6) any seed stained with different colors;

(7) any seed stained under the provisions of this Act, the labeling of which states that such seed is adapted.

(b) To change the proportion of seeds stained under the provisions of this Act and the rules and regulations made and promulgated thereunder, or to alter, modify, conceal, or remove in any manner or by any means the color of such stained seeds. (Aug. 9, 1939, title

III, sec. 306, 53 Stat. 1285; 7 U. S. C., sec. 1586.)

630-238. Delegation of duties.—Any duties devolving upon the Secretary of Agriculture by virtue of the provisions of this Act may with like force and effect be executed by such officer or officers, agent or agents, of the Department of Agriculture as the Secretary may designate for the purpose. (Aug. 9, 1939, Title IV, sec. 401, 53 Stat. 1285; 7 U. S. C., sec. 1591.)

630-239. Rules and regulations.—(a) The Secretary of Agriculture shall make such rules and regulations as he may deem necessary for the effective enforcement of this Act, except as otherwise provided in this

section.

(b) The Secretary of the Treasury and the Secretary of Agriculture shall make, jointly or severally, such rules and regulations as they may deem necessary for the effective enforcement of title III

of this Act.

(c) Prior to the promulgation of any rule or regulation under this Act, due notice shall be given by publication in the Federal Register of intention to promulgate and the time and place of public hearing to be held with reference thereto, and no rule or regulation may be promulgated until after such hearing. Any rule or regulation shall

become effective on the date fixed in the promulgation, which date shall be not less than thirty days after publication in the Federal Register, and may be amended or revoked in the manner provided for its promulgation. (Aug. 9, 1939, Title IV, sec. 402, 53 Stat. 1285; 7 U. S. C., sec. 1592.)

630-240. Standards, tests, tolerances.—(a) The samplings, analyses, tests, or examinations of seeds made in connection with the administration of this Act shall be made by methods set forth by rules and

regulations prescribed under section 402 of this Act.

(b) The Secretary of Agriculture is authorized and directed to make and promulgate by rules and regulations, reasonable tolerances as to the percentages and rates of occurrence required to be stated or

required by this Act.

(c) For the purpose of section 201 (b) of this Act, the Secretary of Agriculture is authorized and directed to investigate, determine, establish, and promulgate from time to time such reasonable standards of germination for each kind of vegetable seed as will in his judgment best protect crop production. (Aug. 9, 1939, Title IV, sec. 403, 53 Stat. 1285; 7 U. S. C., sec. 1593.)

630-241. Prohibition against alterations.—No person shall detach, alter, deface, or destroy any label provided for in this Act or the rules and regulations made and promulgated thereunder by the Secretary of Agriculture, or alter or substitute seed in a manner that may defeat the purpose of this Act. (Aug. 9, 1939, Title IV, sec. 404, 53 Stat.

1286; 7 U.S.C., sec. 1594.)

630-242. Seizure.—(a) Any seed sold, delivered for transportation in interstate commerce, or transported in interstate or foreign commerce in violation of any of the provisions of this Act shall, at the time of such violation or at any time thereafter, be liable to be proceeded against on libel of information and condemned in any district court of the United States within the jurisdiction of which the seed is found.

(b) If seed is condemned by a decree of the court as being in violation of the provisions of this Act, it may be disposed of by the court

by-

(1) sale; or

(2) delivery to the owner thereof after he has appeared as claimant and paid the court costs and fees and storage and other proper expenses and executed and delivered a bond with good and sufficient sureties that such seed will not be sold or disposed of in any jurisdiction contrary to the provisions of this Act and the rules and regulations made and promulgated thereunder, or the laws of such jurisdiction; or

(3) destruction.

(c) If such seed is disposed of by sale, the proceeds of the sale, less the court costs and fees and storage and other proper expenses, shall be paid into the Treasury as miscellaneous receipts, but such seed shall not be sold or disposed of in any jurisdiction contrary to the provisions of this Act and the rules and regulations made and promulgated thereunder, or the laws of such jurisdiction.

(d) The proceedings in such libel cases shall conform, as nearly as may be, to the proceedings in admiralty, except that either party

may demand trial by jury of any issue of fact joined in any such case; and such proceedings shall be at the suit of and in the name of the United States. (Aug. 9, 1939, Title IV, sec. 405, 53 Stat. 1286; 7

U. S. C., sec. 1595.)

630-243. Penalties.—Any person who violates any provision of this Act or the rules and regulations made and promulgated thereunder shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall pay a fine of not more than \$1,000, for the first offense, and upon conviction for each subsequent offense not more than \$2,000. (Aug. 9,

1939, Title IV, sec. 406, 53 Stat. 1286; 7 U. S. C., sec. 1596.)

630-244. Agent's acts as binding principal.—When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any person, partnership, corporation, company, society, or association, shall in every case be also deemed to be the act, omission, or failure of such person, partnership, corporation, company, society, or association, as well as that of the person employed. (Aug. 9, 1939, Title IV, sec. 407, 53 Stat. 1286; 7 U. S. C., sec. 1597.)

630-245. Notice of intention to prosecute.—Before any violation of this Act is reported by the Secretary of Agriculture to any United States attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding. (Aug.

9, 1939, Title IV, sec. 408, 53 Stat. 1286; 7 U.S. C., sec. 1598.)

630-246. Cease and desist proceedings .--

Hearing. (a) Whenever the Secretary of Agriculture has reason to believe that any person has violated or is violating any of the provisions of this Act or the rules and regulations made and promulgated thereunder, he shall cause a complaint in writing to be served upon the person, stating his charges in that respect, and requiring the person to attend and testify at a hearing at a time and place designated therein, at least thirty days after the service of such complaint; and at such time and place there shall be afforded the person a reasonable opportunity to be informed as to the evidence introduced against him (including the right of cross-examination), and to be heard in person or by counsel and through witnesses, under such rules and regulations as the Secretary of Agriculture may prescribe. At any time prior to the close of the hearing the Secretary of Agriculture may amend the complaint; but in case of any amendment adding new provisions the hearing shall, on the request of the person, be adjourned for a period not exceeding fifteen days.

Report of Secretary of Agriculture. (b) If, after such hearing, the Secretary of Agriculture finds that the person has violated or is violating any provisions of the Act or rules and regulations covered by the charges, he shall make a report in writing in which he shall state his findings as to the facts, and shall issue and cause to be served on the person an order requiring such person to cease and desist from continuing such violation. The testimony taken at the hearing shall be reduced to writing and filed in the records of the Department of

Agriculture.

Amendment of report. (c) Until a transcript of the record in such hearing has been filed in a circuit court of appeals, as provided in sec-

tion 410, the Secretary of Agriculture at any time, upon such notice and in such manner as he deems proper, but only after reasonable opportunity to the person to be heard, may amend or set aside the report or

order, in whole or in part.

(d) Complaints, orders, and other processes of the Secretary of Agriculture under this section may be served by anyone duly authorized by the Secretary of Agriculture, either (1) by delivering a copy thereof to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served; or (2) by leaving a copy thereof at the principal office or place of business of such person, partnership, or corporation; or (3) by registering and mailing a copy thereof addressed to such person, partnership, or corporation at his or its last known principal office or place of business. The verified return by the person so serving said complaint, order, or other process setting forth the manner of said order shall be proof of the same, and the return post-office receipt for said complaint, order, or other process registered and mailed as aforesaid shall be proof of the service of the same. (Aug. 9, 1939, title IV, sec. 409, 53 Stat. 1287; 7 U. S. C., sec. 1599 (a) to (d).)

630-247. Appeal to circuit court of appeals.—An order made under section 409 shall be final and conclusive unless within thirty days after the service the person appeals to the circuit court of appeals for the circuit in which such person resides or has his principal place of business by filing with the clerk of such court a written petition praying that the Secretary's order be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that such person will pay the

costs of the proceedings if the court so directs.

The clerk of the court shall immediately cause a copy of the petition to be delivered to the Secretary, and the Secretary shall forthwith prepare, certify, and file in the court a full and accurate transcript of the record in such proceedings, including the complaint, the evidence, and the report and order. If before such transcript is filed, the Secretary amends or sets aside his report or order, in whole or in part, the petitioner may amend the petition within such time as the court may determine, on notice to the Secretary.

At any time after such transcript is filed the court, on application of the Secretary, may issue a temporary injunction restraining, to the extent it deems proper, the person and his officers, directors, agents, and employees from violating any of the provisions of the order pending the final determination of the appeal.

The evidence so taken or admitted, duly certified and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case. The proceedings in such cases in the circuit court of appeals shall be made a preferred cause and shall be expedited in every way.

The court may affirm, modify, or set aside the order of the Secre-

tary.

If the court determines that the just and proper disposition of the case requires the taking of additional evidence, the court shall order the hearing to be reopened for the taking of such evidence, in such manner and upon such terms and conditions as the court may deem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings and his recommendations, if any, for the modification or setting aside of his order, with the return of such additional evidence.

If the circuit court of appeals affirms or modifies the order of the Secretary, its decree shall operate as an injunction to restrain the person and his officers, directors, agents, and employees from violating the provisions of such order or such order as modified.

1939, Title IV, sec. 410, 53 Stat. 1287; 7 U. S. C., sec. 1600.) 630-248. Enforcement of order.—If any person against whom an order is issued under section 409 fails to obey the order, the Secretary of Agriculture, or the United States, by its Attorney General, may apply to the circuit court of appeals of the United States, within the circuit where the person against whom the order was issued resides or has his principal place of business, for the enforcement of the order, and shall certify and file with its application a full and accurate transcript of the record in such proceedings, including the complaint, the evidence, the report, and the order. Upon such filing of the application and transcript the court shall cause notice thereof to be served upon the person against whom the order was issued. The evidence to be considered, the procedure to be followed, and the jurisdiction of the court shall be the same as provided in section 410 for applications to set aside or modify orders.

The proceedings in such cases shall be made a preferred cause and shall be expedited in every way. (Aug. 9, 1939, Title IV, sec. 411,

53 Stat. 1288; 7 U. S. C., sec. 1601.)

630-249. Separability of proceedings.—The institution of any one of the proceedings provided for in sections 405, 409, 410, and 411, or criminal prosecution under section 406 shall not bar institution of any of the others. However, nothing in this Act shall be construed as requiring the Secretary of Agriculture to recommend prosecution or institution of libel proceedings, cease-and-desist proceedings or proceedings for the enforcement of a cease-and-desist order, for minor violations of this Act whenever he believes that the public interest will be adequately served by suitable written notice or warning. (Aug. 9, 1939, Title IV, sec. 412, 53 Stat. 1288; 7 U. S. C., sec. 1602.)

630-250. Power to examine; witness fees and mileage.—(a) In carrying on the work herein authorized, the Secretary of Agriculture, or any officer or employee designated by him for such purpose, shall have power to hold hearings, administer oaths, sign and issue subpenas, examine witnesses, take depositions, and require the production of books, records, accounts, memoranda, and papers, and have access to office and warehouse premises. Upon refusal by any person to appear, testify, or produce pertinent books, records, accounts, memoranda, and papers in response to a subpena, or to permit access to premises, the proper United States district court shall have power

to compel obedience thereto.

(b) Witnesses summoned before the Secretary or any officer or employee designated by him shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like service in the courts of the United States. (Aug. 9, 1939, Title IV, sec. 413,

53 Stat. 1289; 7 U. S. C., sec. 1603.)

630-251. Publication.—After judgment by the court, or the issuance of a cease and desist order, in any case arising under this Act, notice thereof shall be given by publication in such manner as may be prescribed in the rules and regulations made and promulgated under this Act. (Aug. 9, 1939, Title IV, sec. 414, 53 Stat. 1289; 7 U. S. C., sec. 1604.)

630-252. Authorization for appropriations.—(a) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for adminis-

tering this Act.

(b) Funds appropriated for carrying into effect the purpose of this Act shall be available for allotment by the Secretary of Agriculture to the bureaus and offices of the Department of Agriculture and for transfer to other departments and agencies of the Government which the Secretary of Agriculture may call upon to assist or cooperate in carrying out such purposes or for services rendered or to be rendered in connection therewith. (Aug. 9, 1939, Title IV, sec. 415,

53 Stat. 1289; 7 U. S. C., sec. 1605.)

630-253. Authorization for expenditures.—The Secretary of Agriculture is authorized to make such expenditures for rent, outside of the District of Columbia, printing, binding, telegrams, telephones, books of reference, publications, furniture, stationery, office and laboratory equipment, travel, and other supplies, including reporting services, such research necessary to develop methods of processing, bulking, blending, sampling, testing, and merchandising seeds necessary to the administration of this Act and other necessary expenses in the District of Columbia and elsewhere, and as may be appropriated for by the Congress. (Aug. 9, 1939, Title IV, sec. 416, 53 Stat. 1289; 7 U. S. C., sec. 1606.)

630-254. Cooperation with other governmental agencies.—The Secretary of Agriculture is authorized to cooperate with any other department or agency of the Federal Government; or with any State, Territory, District, or possession, or department, agency, or political subdivision thereof; or with any producing, trading, or consuming organization, whether operating in one or more jurisdictions, in carrying out the provisions of this Act. (Aug. 9, 1939, Title IV, sec.

417, 53 Stat. 1289; 7 U. S. C., sec. 1607.)

630-255. Separability of provisions.—If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby. (Aug.

9, 1939, Title IV, sec. 418, 53 Stat. 1290; 7 U. S. C., sec. 1608.)

630-256. Repeals.—The Importation of Adulterated Seeds Act, approved August 24, 1912, as amended August 11, 1916, and as amended April 26, 1926 (7 U. S. C., 111-116, inclusive), is hereby repealed on the one hundred and eightieth day after the passage of this Act: Provided, however, That the notices with respect to imported alfalfa and red clover seed promulgated by the Secretary of Agriculture under the authority of the Importation of Adulterated Seeds Act, approved August 24, 1912, as amended (7 U. S. C., 111-116, inclusive),

and now in effect, shall remain with the same full force and effect as if promulgated under this Act. (Aug. 9, 1939, Title IV, sec. 419, 53

Stat. 1290; 7 U. S. C., sec. 1609.)

630-257. Effective date.—This Act shall take effect as follows: As to agricultural seeds, and the importation of vegetable seeds, on the one hundred and eightieth day after its enactment; as to vegetable seeds in interstate commerce, one year after its enactment; and as to sections 401, 402, and 403, on the date of its enactment. (Aug. 9, 1939, Title IV, sec. 420, 53 Stat. 1290; 7 U. S. C., sec. 1610.)

MISCELLANEOUS

630-258. Exportation of tobacco seed and plants, except for experimental purposes, prohibited.—That it shall be unlawful to export any tobacco seed and/or live tobacco plants from the United States or any Territory subject to the jurisdiction thereof, to any foreign country, port, or place, unless such exportation and/or transportation is in pursuance of a written permit granted by the Secretary of Agriculture. Such permit shall be granted by the Secretary only upon application therefor and after proof satisfactory to him that such seed or plants are to be used for experimental purposes only. (Sec. 1, 54 Stat. 231.)

630-259. Same; penalty provisions.—Any persons violating any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment. (Sec. 2,

54 Stat. 231.)

[Received by the President, May 23, 1940.]

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

630-260. Agricultural adjustment under 1933 act and conservation payments authorized to be made to non-applicants rendering performance. That where an agricultural adjustment or conservation payment has been made to a person, and all or a part of such payment was earned by a second person by virtue of his having, in good faith, contributed to the rendering of performance for which the payment was made, but who did not enter into or apply for an adjustment contract prior to January 6, 1936, or with respect to any agricultural conservation payment did not apply for payment prior to the expiration of the obligating period of the applicable appropriation or prior to any earlier administrative closing date authorized by the Secretary of Agriculture, and the first person turned over to the second person, as substantiated by evidence acceptable to the Secretary, all or a part of the share of such payment so earned by the second person or refunds all or a part of such share to the United States, such second person shall be deemed to have been entitled to receive such sum from the first person, or where such amount is refunded to the United States shall be entitled to receive from the United States the amount so refunded, as a discharge, to the extent of the amount turned over to, or received by, such second person, of an obligation or commitment which is hereby deemed to have arisen by virtue of his contribution

to the performance rendered.

An agricultural adjustment payment under this section shall be considered to be a payment made under section 8 of the Agricultural Adjustment Act of 1933 or the item entitled "Payments for agricultural adjustment", contained in the Supplemental Appropriation Act, fiscal year 1936, as amended by the Act of June 25, 1936; and an agricultural conservation payment under this section shall be considered to be a payment made under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, under any program formulated for any year from 1936 to 1939, inclusive. (July 2, 1940, sec. 9, 54 Stat. 728.)

ARMY

ENLISTED FORCE

632-1. Discharge for minority or misrepresentation of age as honorable discharge; back pay; certificate of discharge.—That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers of the United States Army, their widows and dependent children, a soldier who served as an enlisted man between April 6, 1917, and November 11, 1918, both dates inclusive, and who was discharged for fraudulent enlistment on account of minority or misrepresentation of age, shall hereafter be held and considered to have been discharged honorably from the military service on the date of his actual separation therefrom if his service otherwise was such as would have entitled him to an honorable discharge: Provided, That no back pay or allowance shall accrue by reason of the passage of this Act: Provided further, That in all such cases the War Department shall, upon request, grant to such men, or their widows, a discharge certificate showing that the soldier is held and considered to have been honorably discharged under the provisions of this Act. (Mar. 3, 1936, 49 Stat. 1159; 10 U. S. C., sec. 654b.) (See also par. 37, Laws Applicable, 1935.)

632-2. Discharge for minority or misrepresentation of age as honorable discharge; back pay; certificate of discharge.—That in the administration of law conferring rights, privileges, or benefits upon honorably discharged sailors of the United States Navy and upon honorably discharged marines of the United States Marine Corps, their widows and dependent children, a sailor or marine who served as an enlisted man between April 6, 1917, and November 11, 1918, both dates inclusive, and who was discharged for fraudulent enlistment on account of minority or misrepresentation of age, shall hereafter be held and considered to have been honorably discharged from the naval service on the date of his actual separation therefrom if his service otherwise was such as would have entitled him to an honorable discharge: Provided, That no back pay or allowance shall accrue by reason of the passage of this Act: Provided further, That in all such cases the Navy Department shall, upon request, grant to such men, or their widows, a discharge certificate showing that the sailor or marine is held and considered to have been honorably discharged under the provisions of this

(Feb. 9, 1940, 54 Stat. 21.) Act.

632-3. Same; soldiers enlisted between April 21, 1898, and July 4. 1902.—That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers of the United States Army, their widows and dependent children, a soldier who was enlisted between April 21, 1898, and July 4, 1902, both dates inclusive, and who was discharged for fraudulent enlistment on account of minority or misrepresentation of age, shall hereafter be held and considered to have been discharged honorably from the military service on the date of his actual separation therefrom, if his service otherwise was such as would have entitled him to an honorable discharge: Provided, That no back pay or allowance shall accrue by reason of the passage of this Act: Provided further, That in all such cases the War Department shall, upon request, grant to such men or their widows a discharge certificate showing that the soldiers are held and considered to have been honorably discharged under the provisions of this Act. (Jan. 5, 1927, 44 Stat. 932; May 25, 1937, 50 Stat. 203; 10 U. S. C., sec. 655.)

SUPPLIES, STORES, AND SERVICES

632c. Transfer of deteriorated explosives for distribution and sale for agricultural purposes.—That the Act of Congress entitled "An Act to provide for the transfer of powder and other explosive materials from deteriorated and unserviceable ammunition under the control of the War Department to the Department of Agriculture for use in land clearing, drainage, road building, and other agricultural purposes", approved March 3, 1933, be, and the same is hereby, repealed. (June 1, 1926, sec. 3, Mar. 3, 1933, 47 Stat. 1487; Apr. 26, 1937, 50 Stat. 94; 10 U. S. C., sec. 1210a.)

MISCELLANEOUS

636-1. Selective Training and Service Act of 1940; policy of Congress.—That (a) the Congress hereby declares that it is imperative to increase and train the personnel of the armed forces of the United States.

(b) The Congress further declares that in a free society the obligations and privileges of military training and service should be shared generally in accordance with a fair and just system of selective

compulsory military training and service.

(c) The Congress further declares, in accordance with our traditional military policy as expressed in the National Defense Act of 1916, as amended, that it is essential that the strength and organization of the National Guard, as an integral part of the first-line defenses of this Nation, be at all times maintained and assured. To this end, it is the intent of the Congress that whenever the Congress shall determine that troops are needed for the national security in excess of those of the Regular Army and those in active training and service under section 3 (b), the National Guard of the United States, or such part thereof as may be necessary, shall be ordered to active Federal service and continued therein so long as such necessity exists. (Sept. 16, 1940, sec. 1, 54 Stat. 885.)

636-2. Same; registration of male citizens and alien residents between ages of twenty-one and thirty-six required.—Except as otherwise provided in this Act, it shall be the duty of every male citizen of the United States, and of every male alien residing in the United States, who, on the day or days fixed for the first or any subsequent registra-

tion, is between the ages of twenty-one and thirty-six, to present himself for and submit to registration at such time or times and place or places, and in such manner and in such age group or groups, as shall be determined by rules and regulations prescribed hereunder. (Sept.

16, 1940, sec. 2, 54 Stat. 885.)

636—3. Same; President authorized to induct registrants into land or naval forces.—(a) Except as otherwise provided in this Act, every male citizen of the United States, and every male alien residing in the United States who has declared his intention to become such a citizen, between the ages of twenty-one and thirty-six at the time fixed for his registration, shall be liable for training and service in the land or naval forces of the United States. The President is authorized from time to time, whether or not a state of war exists, to select and induct into the land and naval forces of the United States for training and service, in the manner provided in this Act, such number of men as in his judgment is required for such forces in the national interest: * * * * *

(b) Each man inducted under the provisions of subsection (a) shall serve for a training and service period of twelve consecutive months, unless sooner discharged, except that whenever the Congress has declared that the national interest is imperiled, such twelve-month period may be extended by the President to such time as may be necessary in the interests of national defense. (Sept. 16, 1940, sec. 3,

54 Stat. 885.)

- 636-4. Same; provisions for reinstatement to Government position following training and service.—(b) In the case of any such person who, in order to perform such training and service, has left or leaves a position, other than a temporary position, in the employ of any employer and who (1) receives such certificate, (2) is still qualified to perform the duties of such position, and (3) makes application for reemployment within forty days after he is relieved from such training and service—
 - (A) if such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like seniority, status, and pay;
 - (C) if such position was in the employ of any State or political subdivision thereof, it is hereby declared to be the sense of the Congress that such person should be restored to such position or to a position of like seniority, status, and pay.
- (c) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) shall be considered as having been on furlough or leave of absence during his period of training and service in the land or naval forces, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was inducted into such forces, and shall not be discharged from such position without cause within one year after such restoration. * * * * * (Sept. 16, 1940, sec. 8, 54 Stat. 890.)

636-5. Same; President authorized to utilize services of all Government

agencies and personnel.—The President is authorized—

* * *

(4) to utilize the services of any or all departments and any and all officers or agents of the United States and to accept the services of all officers and agents of the several States, Territories, and the District of Columbia and subdivisions thereof in the execution of this Act; * * * * * * (Sept. 16, 1940, sec. 10, 54 Stat. 893.)

BANKS AND BANKING

FARM CREDIT ADMINISTRATION

EXECUTIVE ORDERS AFFECTING THE FARM CREDIT ADMINISTRATION

EXECUTIVE ORDER

I, Herbert Hoover, President of the United States of America, under the authority conferred upon me by paragraph (e) of Section 13 of Agricultural Marketing Act approved June 15, 1929, entitled "An Act To establish a Federal Farm Board to promote the effective merchandising of agricultural commodities in interstate and foreign commerce, and to place agriculture on a basis of economic equality with other industries", and by virtue of all other powers thereto me enabling, do hereby transfer from the Department of Agriculture to the jurisdiction and control of Federal Farm Board the whole of the Division of Cooperative Marketing in the Bureau of Agricultural Economics of the Department of Agriculture, all functions pertaining to the work and services of such division, its records, property, including office equipment, personnel, and unexpended balances of appropriation, pertaining to such work or services. The Division of Cooperative Marketing above referred to is created and authorized by "An Act To create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes", approved July 2, 1926. The transfer above mentioned shall be effective from and including October 1st, 1929.

HERBERT HOOVER.

THE WHITE HOUSE, October 1, 1929.

[No. 5200]

EXECUTIVE ORDER

Reorganizing Agricultural Credit Agencies of the United States

Whereas sections 401 and 403 of Title IV of Part II of the Legislative Appropriation Act, fiscal year 1933, as amended by an act of

Congress approved March 3, 1933, provide:

"Sec. 401. The Congress hereby declares that a serious emergency exists by reason of the general economic depression; that it is imperative to reduce drastically governmental expenditures; and that such reduction may be accomplished in great measure by proceeding immediately under the provisions of this title.

"Accordingly, the President shall investigate the present organization of all executive and administrative agencies of the Government and shall determine what changes therein are necessary to accomplish the following purposes:

"(a) To reduce expenditures to the fullest extent consistent with

the efficient operation of the Government;

"(b) To increase the efficiency of the operations of the Government

to the fullest extent practicable within the revenues;

"(c) To group, coordinate, and consolidate executive and administrative agencies of the Government, as nearly as may be, according to

major purposes;

"(d) To reduce the number of such agencies by consolidating those having similar functions under a single head, and by abolishing such agencies and/or such functions thereof as may not be necessary for the efficient conduct of the Government;

"(e) To eliminate overlapping and duplication of effort; and

"(f) To segregate regulatory agencies and functions from those of

an administrative and executive character.

"Sec. 403. Whenever the President, after investigation, shall find and declare that any regrouping, consolidation, transfer, or abolition of any executive agency or agencies and/or the functions thereof is necessary to accomplish any of the purposes set forth in section 401 of this title, he may by Executive order—

"(a) Transfer the whole or any part of any executive agency and/or the functions thereof to the jurisdiction and control of any other

executive agency;

"(b) Consolidate the functions vested in any executive agency; or "(c) Abolish the whole or any part of any executive agency and/or

the functions thereof; and

"(d) Designate and fix the name and functions of any consolidated activity or executive agency and the title, powers, and duties of its executive head; except that the President shall not have authority under this title to abolish or transfer an executive department and/or all the functions thereof."

Now, THEREFORE, pursuant to the authority so vested in me, and after investigation, it is found and declared that the following changes in executive agencies and the functions thereof are necessary to accomplish the purposes set forth in section 401 above recited, and it is hereby ordered that:

(1) The functions of the Secretary of Agriculture as a member of the Federal Farm Board, and the offices of the appointed members of the Federal Farm Board, except the office of the member desig-

nated as chairman thereof, are abolished.

(2) The name of the Federal Farm Board is changed to the Farm

Credit Administration.

(3) The name of the office of Chairman of the Federal Farm Board is changed to Governor of the Farm Credit Administration, and he is vested with all the powers and duties of the Federal Farm Board.

(4) The functions of the Secretary of the Treasury as a member of the Federal Farm Loan Board, and the offices of the appointed members of the Federal Farm Loan Board, except the office of the member designated as Farm Loan Commissioner, are abolished, and all the powers and functions of the Federal Farm Loan Board are

transferred to and vested in the Farm Loan Commissioner, subject to the jurisdiction and control of the Farm Credit Administration as herein provided.

(5) There are transferred to the jurisdiction and control of the

Farm Credit Administration:

(a) The Federal Farm Loan Bureau and the functions thereof; together with the functions of the Federal Farm Loan Board, including the functions of the Farm Loan Commissioner;

(b) The functions of the Treasury Department and the Department of Agriculture, and the Secretaries thereof, under Executive Authorizations to give aid to farmers, dated July 26,

1918, and any extensions or amendments thereof;

(c) The functions of the Secretary of Agriculture under all provisions of law relating to the making of advances or loans to farmers, fruit growers, producers and owners of livestock and crops, and to individuals for the purpose of assisting in forming or increasing the capital stock of agricultural-credit corporations, livestock-loan companies, or like organizations, except Public Resolution No. 74, Seventieth Congress, approved December 21, 1928, providing for the Porto Rican Hurricane Relief Commission:

(d) The Crop Production Loan Office and the Seed Loan Office of the Department of Agriculture, and the functions thereof;

- (e) The functions of the Reconstruction Finance Corporation and its board of directors relating to the appointment of officers and agents to manage regional agricultural credit corporations formed under section 201 (e) of the Emergency Relief and Construction Act of 1932; relating to the establishment of rules and regulations for such management; and relating to the approval of loans and advances made by such corporations and of the terms and conditions thereof.
- (6) The functions vested in the Federal Farm Board by section 9 of the Agricultural Marketing Act are abolished, except that such functions shall continue to be exercised to such extent and for such time as may be necessary to permit the orderly winding up of the activities of stabilization corporations heretofore recognized under authority of such section, and the Governor of the Farm Credit Administration shall take appropriate action for winding up at the earliest practicable date the activities of such corporations and all affairs related to the exercise of such functions.

(7) The records, property (including office equipment), and personnel used and employed in the execution of the functions hereinbefore transferred are transferred to the jurisdiction and control of

the Farm Credit Administration.

(8) The sum of \$2,000,000 of the unexpended balances of appropriations made to the Federal Farm Board by Public Resolutions No. 43 and No. 51 of the Seventy-second Congress shall be impounded and returned to the Treasury, which sum shall be in addition to the other savings to be effected by the Farm Credit Administration as a result of this order.

(9) The unexpended balances of appropriations to the Secretary of Agriculture, the Federal Farm Loan Bureau, and the Federal Farm

Board for salaries, expenses, and all other administrative expenditures in the execution of the functions herein vested in the Farm Credit Administration shall be transferred to and vested in the Farm Credit Administration as a single fund for its use for salaries, expenses, and all other administrative expenditures for the execution of any or all of such functions without restriction as to the particular functions for the execution of which the same were originally appropriated. All other appropriations, allotments, and other funds available for use in connection with the functions and executive agencies hereby transferred and consolidated are hereby transferred to and vested in the Farm Credit Administration, and shall be available for use by it, for the same purposes as if the Farm Credit Administration were named in the law or authority providing such appropriations, allotments, or other funds.

(10) All power, authority, and duties conferred by law upon any officer, executive agency, or head thereof, from which or from whom transfer is hereinbefore made, in relation to the executive agency or function transferred, are transferred to and vested in the Governor

of the Farm Credit Administration.

(11) The Governor of the Farm Credit Administration is directed to dismiss, furlough, transfer, or make other appropriate disposition of such of the officers and employees under his jurisdiction and control as are not required for the proper execution of the functions of the Farm Credit Administration.

(12) The Governor of the Farm Credit Administration is authorized to execute any and all functions and perform any and all duties vested in him through such persons as he shall by order designate

or employ.

(13) The Governor of the Farm Credit Administration, by order or rules and regulations, may consolidate, regroup, and transfer offices, bureaus, activities, and functions in the Farm Credit Administration, so far as may be required to carry out the purposes to which this order is directed, and may fix or change the names of such offices, bureaus, and activities and the duties, powers, and titles of their executive heads.

This order shall take effect upon the sixty-first calendar day after its transmission to Congress unless otherwise determined in accordance with the provisions of section 407 of the act cited above, as amended.

Franklin D. Roosevelt.

THE WHITE HOUSE, March 27, 1933. [No. 6084]

638-1. Farm Credit Administration; provisions relating to organization.—The Governor of the Farm Credit Administration is authorized, in carrying out the powers and duties now or hereafter vested in him or the Farm Credit Administration by law or under any Executive order made under title IV of part II of the Legislative Appropriation Act of 1933, as amended, to establish, and to fix the powers and duties of, such divisions, agencies, corporations, and instrumentalities as he may deem necessary to the efficient functioning of the Farm Credit Administration and the successful execution of the powers and duties so vested in the Governor and the Farm Credit Administration. This

section shall not be construed to restrict the authority of the President under title IV of such Act, as amended: *Provided*, That no salary or compensation shall be paid to any officer, agent, or other person employed under this section in excess of \$10,000 per annum. (May 12,

1933, sec. 40, 48 Stat. 51; 12 U. S. C., sec. 636.)

638-2. Land Bank Commissioner; functions under Executive Orders.—If and when any executive order heretofore transmitted to the Congress pursuant to title IV of part II of the Legislative Appropriation Act of 1933, as amended, shall become effective, all functions, powers, authority, and duties conferred upon or vested in the Land Bank Commissioner by this title shall be held and exercised by him subject to all the terms and conditions in any such Executive order the same as if such functions, powers, authority, and duties were specifically named in such Executive order or orders. (May 12, 1933, sec. 39, 48 Stat. 50; June 16, 1933, sec. 80 (a), 48 Stat. 273; 12 U. S. C., sec. 637.)

638-3. Commissioners in Farm Credit Administration; designation; appointment; salaries and expenses.—Land Bank Commissioner. (a) After the date of the enactment of this Act, the office of Farm Loan Commissioner shall be known as the Office of the Land Bank Commissioner and the Farm Loan Commissioner shall be known as the Land Bank Commissioner. The provisions of section 3 of the Federal Farm Loan Act, as amended (U. S. C., Title 12, sec. 653), prescribing a term of office of eight years shall not apply to incumbents hereafter appointed to the office of Land Bank Commissioner.

Production Credit Commissioner; Cooperative Bank Commissioner; Intermediate Credit Commissioner. (b) There shall be in the Farm Credit Administration three commissioners who shall be known, respectively, as the Production Credit Commissioner, the Cooperative Bank Commissioner, and the Intermediate Credit Commissioner. Such commissioners shall be appointed by the President, by and with the advice and consent of the Senate. They shall receive an annual salary of \$10,000, payable monthly, together with actual necessary traveling expenses. Such commissioners shall perform such duties as may be assigned to them by law or by the governor of the Farm Credit Administration. (June 16, 1933, sec. 80, 48 Stat. 273; 12 U. S. C., sec. 638, 638 note.)

638-4. Governor of Farm Credit Administration; supplementary grant of powers.—The authority and powers conferred upon the governor under this Act shall not be construed to be in substitution for authority and powers conferred upon him under existing law but shall be construed to be supplementary to such authority and powers.

(June 16, 1933, sec. 82, 48 Stat. 273; 12 U. S. C., sec. 639.)

638-5. Seal of Farm Credit Administration.—The Farm Credit Administration shall have a seal, as adopted by the governor, which shall be judicially noticed. (June 16, 1933, sec. 85, 48 Stat. 273;

12 U. S. C., sec. 640.)

638-6. Farm credit districts created.—(a) There shall be twelve districts in the continental United States, excluding Alaska, which shall be known as farm credit districts, and may be designated by number. The boundaries of the twelve Federal land bank districts existing as of the date of enactment of this Act shall be the boundaries of the respective farm credit districts. Such boundaries may be readjusted

from time to time in the discretion of the Farm Credit Administration, provided that said districts shall be apportioned with due regard to the farm credit needs of the country and no such district shall contain a fractional part of any State. The designations "Federal land bank district" and "land bank district" wherever used in the Federal Farm Loan Act, or in any Act amendatory thereof or supplementary thereto, are changed to "farm credit district" and shall hereafter be deemed to refer to the farm credit districts provided for in this section.

Farm credit boards; members. (b) There shall be in each farm credit district a farm credit board, which shall be selected as hereinafter specified and shall be composed of seven members. Each farm credit board shall include in its title the name of the city in which the Federal land bank, Federal intermediate credit bank, production credit corporation, and regional bank for cooperatives of the district are located. Three of the members of said board shall be known as elected directors of whom one shall be chosen by national farm loan associations and borrowers through agencies, one shall be chosen by production credit associations of the district, and one shall be chosen by cooperatives which are stockholders or subscribers to the guaranty fund of the regional bank for cooperatives in the district. Three of the seven members shall be known as district directors, of whom two shall be appointed by the Governor of the Farm Credit Administration and one, who shall be known as the third district director, shall be chosen as hereafter in this section provided. The seventh member of such board shall be known as director at large and shall be appointed by the Governor of the Farm Credit Administration.

Same; initial board to be composed of Federal land bank directors; successors. (c) The directors of the Federal land bank of each district who are in office on the date of enactment of this Act shall constitute the farm credit board of the district and shall serve as members thereof for the remaining portions of the terms for which they were respectively elected or appointed as directors of the bank. Except as otherwise provided by this Act, the successor to each original member of the farm credit board shall be selected in the manner in which such member was selected as a director of the Federal land bank.

Same; selection of third district director. (d) Each third district director shall be selected as follows: Each national farm loan association and borrower through agencies in the district shall nominate, in the manner provided herein for the nomination of candidates for elected directors, one candidate for such director, and from the three persons having the greatest number of votes as nominees the Governor of the Farm Credit Administration shall appoint such director. No third district director who is removed from office pursuant to section 17 (h) of the Federal Farm Loan Act may be nominated to succeed himself.

Same; nomination of elected directors. (e) At least two months before an election of an elected director the Farm Credit Administration shall cause notice in writing to be sent to those entitled to nominate candidates for such elected director. In the case of an election of a director by national farm loan associations and borrowers through

agencies, such notice shall be sent to all national farm loan associations and borrowers through agencies in the district; in the case of an election by production credit associations, such notice shall be sent to all production credit associations in the district; and in the case of an election by cooperatives which are stockholders or subscribers to the guaranty fund of the bank for cooperatives of the district, such notice shall be sent to all cooperatives which are stockholders or subscribers to the guaranty fund at the time of sending notice. After receipt of such notice those entitled to nominate the director shall forward nominations of residents of the district to the Farm Credit Administration. The Farm Credit Administration shall, from the nominations received within thirty days after the sending of such notice, prepare a list of candidates for such elected director consisting of the ten nominees

receiving the highest number of votes.

Same; election of elected directors. (f) At least one month before the election of an elected director the Farm Credit Administration shall mail to each person or organization entitled to elect the elected director the list of the ten candidates nominated in accordance with the preceding paragraph of this section. In the case of an election of a director by national farm loan associations and borrowers through agencies, the directors of each farm loan association shall cast the vote of such association for one of the candidates on the list. In voting under this section each such association shall be entitled to cast a number of votes equal to the number of stockholders of such association and each borrower through agencies shall be entitled to cast one vote. In voting under this section each production credit association shall be entitled to cast a number of votes equal to the number of class B stockholders of such association. In voting under this section each cooperative which is a holder of stock in, or a subscriber to the guaranty fund of, the bank for cooperatives shall be entitled to cast one The votes shall be forwarded to the Farm Credit Administration and no vote shall be counted unless received by it within thirty days after the sending of such list of candidates. In case of a tie the Farm Credit Administration shall determine the choice. The nominations from which the list of candidates is prepared, and the votes of the respective voters, as counted, shall be tabulated and preserved and shall be subject to examination by any candidate for at least one year after the result of the election is announced.

Same; term of office; vacancies. (g) The terms of office of all directors shall be three years. Any vacancies that may occur in the farm credit board shall be filled for the unexpired term in the manner

provided herein for the original selection of such directors.

Same; general qualifications of members. (h) Members of each farm credit board shall have been, for at least two years, residents of the district for which they are appointed or elected. From and after the date of enactment of this Act, no person shall be eligible for election or appointment as a member of any district farm credit board, and no person hereafter elected or appointed as a member of any district farm credit board shall be eligible to continue to serve as such, if in either case said person is an officer or employee of any Federal land bank, Federal intermediate credit bank, production credit corporation, or bank for cooperatives. No district director, excepting any third district director selected as hereinabove specified, shall, during

his continuance in office, be a director, officer, or employee of any institution, association, or partnership engaged in the business of lending money or of making or selling land mortgage loans, except an institution or association under the supervision of the Farm Credit Administration.

Same: felons and defrauders ineligible. (i) No person shall be eligible for appointment or election as an administrative or executive official of a Federal land bank, Federal intermediate credit bank, or of any corporation or bank organized pursuant to the Farm Credit Act of 1933, or as a member of any farm credit board, or shall continue to hold office as such member, if such person has been finally adjudged guilty of a felony, or finally adjudged liable in damages in any civil

proceeding for fraud, in any State or Federal court.

Same; compensation of members. (j) Subject to the approval of the Farm Credit Administration members of each farm credit board shall receive such compensation as may be authorized by the board, including a reasonable allowance for necessary expenses in attending meetings of said board and directors' meetings. Such compensation shall be paid by the Federal land bank of the district, and such bank shall be reimbursed therefor by the Federal intermediate credit bank, production credit corporation and bank for cooperatives of the district in such proportion and in such manner as may be fixed by the farm credit board subject to the approval of the Farm Credit Administration. Except with the approval of the Farm Credit Administration, no member of any farm credit board shall receive compensation or allowances for any services rendered such institutions, in his capacity as director or otherwise, for more than thirty days in any one calendar year, exclusive of the period for which compensation is paid for attendance at meetings of said board and at directors' meetings.

(k) Nothing contained in this section shall be Laws unaffected. construed to abrogate or repeal the second paragraph of section 4 of the Federal Farm Loan Act, as amended, or to affect the applicability of any other Act of Congress under which agricultural credit laws of the United States may be made applicable to territories or insular possessions of the United States. (Aug. 19, 1937, sec. 5 (a) to sec. 5 (k), 50 Stat. 704 to 706; 12 U. S. C., sec. 640.

638-7. Powers of farm credit board.—Each farm credit board provided for in this Act shall have power, subject to the approval of the

Farm Credit Administration—

Employment of joint officers and employees for certain organizations. (a) To employ joint officers and employees for the Federal land bank, Federal intermediate credit bank, production credit corporation, and regional bank for cooperatives in its district. The salaries or other compensation of all such joint officers and employees shall be fixed by the district farm credit board and shall be paid by the Federal land bank of the district. Such bank shall be reimbursed therefor by the other three institutions in the district, in such amounts and upon such conditions as the board shall determine. Officers and employees appointed by the district farm credit board shall be officers and employees of the district institutions served by them.

Authorization of acquisition and disposal of property. (b) To authorize the acquisition and disposal of such property, real or personal, as may be necessary or convenient for the transaction of the business of the Federal land bank, the Federal intermediate credit bank, the bank for cooperatives, and the production credit corporation, located in its district, upon such terms and conditions as it shall fix, and to prorate among such institutions the cost of purchases, rentals, construction, repairs, alterations, maintenance, and operation, in such amounts and in such manner as it shall determine. Any lease, or any contract for the purchase or sale of property, or any deed or conveyance of property, or any contract for the construction, repair, or alteration of buildings, authorized by a district farm credit board under this subsection shall be executed by the officers of the institution or institutions concerned pursuant to the direction of such board. No provision of law relative to the acquisition or disposal of property, real or personal, by or for the United States, or relative to the making of contracts or leases by or for the United States, including the provisions set out in title 40 and title 41 of the United States Code, 1934 edition, and the Supplements thereto, and including provisions applicable to corporations wholly owned by the United States, shall be deemed or held applicable to any lease, purchase, sale, deed, conveyance, or contract authorized or made by a district farm credit board, Federal land bank, Federal intermediate credit bank, production credit corporation, or bank for cooperatives under this subsection.

Vacations and sick leaves. (c) No corporation under the supervision of the Farm Credit Administration, of which corporation any member of the board of directors is elected or appointed by private interests, shall be subject to the provisions of the Acts of Congress approved March 14, 1936 (49 Stat. 1161, 1162) (U. S. C., title 5, secs. 29a, 30b-30m, 31a). (Aug. 19, 1937, sec. 6, 50 Stat. 706; 12 U. S. C.,

sec. 640r.)

638-8. "Federal Farm Loan Act"; administration.—That this Act may be cited as the "Federal Farm Loan Act." Its administration shall be under the direction and control of the Federal Farm Loan Board [now Farm Credit Administration]* hereinafter created. (July 17, 1916, sec. 1, 39 Stat. 360; Mar. 4, 1923, sec. 1, 42 Stat. 1454; 12 U. S. C.,

sec. 641.)

638-9. "First mortgage" and "farm loan bonds" defined.—That wherever the term "first mortgage" is used in this Act it shall be held to include such classes of first liens on farm lands as shall be approved by the Federal Farm Loan Board [now Farm Credit Administration]*, and the credit instruments secured thereby. The term "farm loan bonds" shall be held to include all bonds secured by collateral deposited with a farm loan registrar under the terms of this Act; they shall be distinguished by the addition of the words "Federal," or "joint stock," as the case may be. (July 17, 1916, sec. 2, 39 Stat. 360; 12 U. S. C., sec. 642.)

638-10. Federal Farm Loan Bureau.—That there shall be established at the seat of government in the Department of the Treasury a bureau charged with the execution of this Act and of all Acts amendatory thereof, to be known as the Federal Farm Loan Bureau, under the general supervision of a Federal Farm Board [now Farm Credit Administration].* (July 17, 1916, sec. 3, 39 Stat. 360; 12 U. S. C.,

sec. 651.)

^{*}See Ex. Or. 6084, p. 254, this volume.

638-11. Federal Farm Loan Board; number of members; appointment; salaries; expenses.—

This section was rendered obsolete, by Executive Order 6084, except insofar as it affects the qualifications, appointment, salary, etc., of the Land Bank Commissioner, previously known as Farm Loan Commissioner. See paragraph 638–3 of this volume.

(July 17, 1916, sec. 3, 39 Stat. 360; Mar. 4, 1923, sec. 301, 42 Stat. 1473; 12 U. S. C., sec. 652.)

638-12. Terms of office; oath; Land Bank Commissioner .-

This section was rendered obsolete, by Executive Order 6084, except insofar as it affects the Land Bank Commissioner, previously known as Farm Loan Commissioner; it no longer applies to the term of office of the Commissioner. See paragraph 638–3 of this volume.

(July 17, 1916, sec. 3, 39 Stat. 360; June 16, 1933, sec. 80 (a), 48 Stat. 273; 12 U. S. C., sec. 653.)

638-13. Eligibility of members; restriction on right to engage in other business.—

This section was rendered obsolete, by Executive Order 6084, except insofar as it affects the Land Bank Commissioner, previously known as Farm Loan Commissioner. See paragraph 638–3 of this volume.

(July 17, 1916, sec. 3, 39 Stat. 360; 12 U. S. C., sec. 654.) 638-14. Filling vacancies on board.—

This section was rendered obsolete, by Executive Order 6084, except insofar as it affects the Land Bank Commissioner, previously known as Farm Loan Commissioner. See paragraph 638–3 of this volume.

(July 17, 1916, sec. 3, 39 Stat. 360; U. S. C., sec. 655.)

638-15. Registrars, appraisers, and examiners; appointment; restriction on right to engage in other business.—The Federal Farm Loan Board [now Farm Credit Administration]* shall appoint a farm loan registrar in each farm credit district to receive applications for issues of farm loan bonds and to perform such other services as are prescribed by this Act, and may appoint a deputy registrar who shall during the unavoidable absence or disability of the registrar perform the duties of that office. It shall also appoint one or more land bank appraisers for each farm credit district and as many farm credit examiners as it shall deem necessary. Farm loan registrars, deputy registrars, land bank appraisers, and farm credit examiners appointed under this section shall be public officials and shall, during their continuance in office, have no connection with or interest in any other institution, association, or partnership engaged in banking or in the business of making land mortgage loans or selling land mortgages: Provided, that this limitation shall not apply to persons employed by the board [now administration]* temporarily to do special work. (July 17, 1916, sec. 3, 39 Stat. 361; Apr. 20, 1920, sec. 1, 41 Stat. 570; Aug. 19, 1937, secs. 5 (a), 20, 50 Stat. 704, 710; 12 U. S. C., sec. 656.)

638-16. Examiners to be designated "farm credit examiners."—Examiners appointed pursuant to the provisions of section 3 of the Federal Farm Loan Act, as amended (U. S. C., 1934 edition, title 12, sec. 656), shall hereafter be designated and known as farm credit examiners. (Aug. 19, 1937, sec. 20, 50 Stat. 710; 12 U. S. C., sec. 656a.)

^{*}See Ex. Or. 6084, p. 254, this volume.

638-17. Salaries and expenses; provision for payment.—The amount of the salaries and expenses of the employees engaged in the work of the division of examinations of the Federal Farm Loan Bureau as estimated by the Farm Credit Administration shall be paid by the Federal land banks, joint-stock land banks, and the Federal inter-

mediate credit banks, as follows:

The Farm Credit Administration shall, prior to the first days of January and July of each year, estimate the expenses and salaries of the employees engaged as aforesaid, and apportion the same among the Federal land banks, joint-stock land banks, and the Federal intermediate credit banks on such equitable basis as the Farm Credit Administration shall determine, giving due consideration to time and expense necessarily incident to the supervision of the operation of each type of bank, and making assessment on each of such banks. pursuant to such apportionment, payable on the first days of January and July next ensuing. The funds collected pursuant to such assessments shall be deposited with the Treasurer of the United States under the miscellaneous receipts title "Assessments on Federal and joint-stock land banks and Federal intermediate credit banks, salaries and expenses, Farm Credit Administration," such expenses and salaries, together with all other expenses and salaries of the said administration, to be disbursed on appropriations duly made by the Congress.

If any deficiency shall occur in such fund during the half-year period for which it was estimated, the Farm Credit Administration shall have authority to make immediate assessment covering such deficiency against the Federal land banks, joint-stock land banks, and Federal intermediate credit banks upon the same basis as the original assessment. If at the end of the six months' period there shall remain a surplus in such fund, it shall be deducted from the estimated expenses of the next six months' period when assessment is made for such period. (July 17, 1916, sec. 3, 39 Stat. 361; Mar. 4, 1923, sec. 302, 42 Stat. 1473; Mar. 4, 1925, sec. 3, 43 Stat. 1262; June 26, 1930, 46 Stat. 815; 12 U. S. C., sec. 657.) [The language of the foregoing paragraph is that which appears in the United States Code. This departure from the rule of using statutory language is necessary in this instance because the act of June 26, 1930 (46 Stat. 815), cited to text, amended the original statute in such a way as to make insertion of a correlated statutory context impossible.

638-18. Appraisers and inspectors; compensation; manner of payment.—Federal land bank appraisers, and appraisers or inspectors of Federal intermediate credit banks, shall receive such compensation as the Federal Farm Loan Board [now Farm Credit Administration]* shall fix and shall be paid by the Federal land banks, joint-stock land banks, and the Federal intermediate credit banks they serve, in such proportion and in such manner as the Federal Farm Loan Board [now Farm Credit Administration]* shall order. (July 17, 1916, sec. 3, 39 Stat. 361; Mar. 4, 1923, sec. 302, 42 Stat. 1473; Mar. 4, 1925, sec.

3, 43 Stat. 1262; 12 U. S. C., sec. 658.)

638-19. Attorneys, experts, and other employees; employment; salaries and fees.—The Federal Farm Loan Board [now Farm Credit Administration]* shall be authorized and empowered to employ such attorneys, experts, assistants, clerks, laborers, and other employees as it may deem necessary to conduct the business of said board [now

^{*}See Ex. Or. 6084, p. 254, this volume,

administration].* All salaries and fees authorized in this section and not otherwise provided for shall be fixed in advance by said board [now administration]* and shall be paid in the same manner as the salaries of the Federal Farm Loan Board [now Farm Credit Administration].* All such attorneys, experts, assistants, clerks, laborers, and other employees, and all registrars, examiners, and appraisers shall be appointed without regard to the provisions of the Act of January 16, 1883 (22 Stat., 403), and amendments thereto, or any rule or regulation made in pursuance thereof and may be classified without regard to the Classification Act of 1923: Provided, That nothing herein shalal prevent the President from placing said employees in the classified service. (July 17, 1916, sec. 3, 39 Stat. 361; Mar. 4, 1925, sec. 4, 43 Stat. 1263; June 16, 1933, sec. 80 (a), 48 Stat. 273: 12 U. S. C., sec. 659.)

638-20. Statements of salaries paid by land banks.—Every Federal land bank shall semiannually submit to the Federal Farm Loan Board [now Farm Credit Administration]* a schedule showing the salaries or rates of compensation paid to its officers and employees. 17, 1916, sec. 3, 39 Stat. 361; 12 U. S. C., sec. 660.)

638-21. Annual report.—The Federal Farm Loan Board [now Farm Credit Administration]* shall annually make a full report of its operations to the Speaker of the House of Representatives, who shall cause the same to be printed for the information of the Congress.

(July 17, 1916, sec. 3, 39 Stat. 361; 12 U. S. C., sec. 661.)

638-22. Examinations and reports by land banks; appraisals of farm land; amortization tables.—The Federal Farm Loan Board [now Farm Credit Administration |* shall from time to time require examinations and reports of condition of all land banks established under the provisions of this Act and shall publish consolidated statements of the results thereof. It shall cause to be made appraisals of farm lands as provided by this Act, and shall prepare and publish amortization tables which shall be used by national farm loan associations and land banks organized under this Act. (July 17, 1916, sec. 3, 39 Stat. 361; 12 U. S. C., sec. 662.)

638-23. Statements of condition of loan associations and lank banks.-The Federal Farm Loan Board [now Farm Credit Administration]* shall prescribe a form for the statement of condition of national farm loan associations and land banks under its supervision, which shall be filled out quarterly by each such association or bank and transmitted to said board [now administration]*. (July 17, 1916, sec. 3,

39 Stat. 361; 12 U.S. C., sec. 663.)

638-24. Bulletins and circulars.-It shall be the duty of the Federal Farm Loan Board [now Farm Credit Administration]* to prepare from time to time bulletins setting forth the principal features of this Act and through the Department of Agriculture or otherwise to distribute the same, particularly to the press, to agricultural journals, and to farmers' organizations; to prepare and distribute in the same manner circulars setting forth the principles and advantages of amortized farm loans and the protection afforded debtors under this Act, instructing farmers how to organize and conduct farm loan associations, and advising investors of the merits and advantages of farm loan bonds; and to disseminate in its discretion information for the fur-

^{*}See Ex. Or. 6084, p. 254, this volume.

ther instruction of farmers regarding the methods and principles of cooperative credit and organization. Said board [now administration]* is hereby authorized to use a reasonable portion of the organization fund provided in section thirty-three of this Act for the objects specified in this paragraph, and is instructed to lay before the Congress at each session its recommendations for further appropriations to carry out said objects. (July 17, 1916, sec. 3, 39 Stat. 361; 12 U. S. C., sec. 664.)

638-25. Rules and regulations.—The Federal Farm Loan Board [now Farm Credit Administration]* is authorized to make such rules and regulations, not inconsistent with law, as it deems necessary or requisite for the efficient execution of the provisions of the Federal Farm Loan Act, and/or any Act or Acts amendatory thereof or supplementary thereto. (Jan. 23, 1932, sec. 6, 47 Stat. 14; 12 U. S. C., sec. 665.)

638-26. Federal land bank districts.-

This section was repealed by Act of Aug. 19, 1937, sec. 7 (a), 50 Stat. 707. (July 17, 1916, sec. 4, 39 Stat. 362; Mar. 27, 1933, Executive Order

6084; 12 U.S.C., sec. 671, 671 note.)

638-27. Organization of Federal Land Banks; establishments; titles; branches; Puerto Rico and Alaska; Hawaii; loans by branches.—The Federal Farm Lean Board [now Farm Credit Administration]* shall establish in each farm credit district a Federal land bank, with its principal office located in such city within the district as said board [now administration]* shall designate. Each Federal land bank shall include in its title the name of the city in which it is located. Subject to the approval of the Federal Farm Loan Board [now Farm Credit Administration]*, any Federal land bank may establish branches within the farm credit district. Subject to the approval of the Federal Farm Loan Board [now Farm Credit Administration]* and under such conditions as it may prescribe, the provisions of this Act are extended to the island of Puerto Rico and the Territory of Alaska; and the Federal Farm Loan Board [now Farm Credit Administration * shall designate a Federal land bank which is hereby authorized to establish a branch bank in Puerto Rico and a Federal land bank which is hereby authorized to establish a branch bank in the Territory of Alaska. The provisions of the Federal Farm Loan Act, and any Act amendatory thereof or supplementary thereto are extended to the Territory of Hawaii. The Federal Farm Loan Board [now Farm Credit Administration]* shall include the Territory in a farm credit district, and such Federal land bank as the board [now administration]* may designate is authorized to establish branch banks in the Territory. Loans made by each such branch bank shall not exceed the sum of \$25,000 to any one borrower and shall be subject to the restrictions and provisions of this Act (U. S. C., Title 12, ch. 7), except that each such branch bank may loan direct to borrowers, and, subject to such regulations as the Federal Farm Loan Board [now Farm Credit Administration * may prescribe, the rate charged borrowers may be 1½ per centum in excess of the rate borne by the last preceding issue of farm-loan bonds of the Federal land bank with which such branch bank is connected: Provided, That no loan shall be made in Puerto Rico or Alaska by such branch bank for a longer term than twenty

^{*}See Ex. Or. 6084, p. 254, this volume.

Each borrower through such branch bank shall subscribe and pay for stock in the Federal land bank with which it is connected in the sum of \$5 for each \$100 or fraction thereof borrowed; such stock shall be held by such Federal land bank as collateral security for the loan of the borrower; shall participate in all dividends; and upon full payment of the loan shall be canceled at par and proceeds paid to borrower, or the borrower may apply the same to the final payments on his loan. (July 17, 1916, sec. 4, 39 Stat. 362; Feb. 27, 1921, 41 Stat. 1148; Mar. 4, 1923, sec. 303, 42 Stat. 1474; Mar. 10, 1924, sec. 2, 43 Stat. 17; Mar. 4, 1929, 45 Stat. 1558; May 17, 1932, 47 Stat. 158; Aug. 19, 1937,

sec. 5 (a), 50 Stat. 704; 12 U. S. C., sec. 672.)

638-28. Temporary management.—Each Federal land bank shall be temporarily managed by five directors appointed by the Federal Farm Loan Board [now Farm Credit Administration].* Said directors shall be citizens of the United States and residents of the district. They shall each give a surety bond, the premium on which shall be paid from the funds of the bank. They shall receive such compensation as the Federal Farm Loan Board [now Farm Credit Administration]* shall fix. They shall choose from their number, by majority vote, a president, a vice president, a secretary and a treasurer. They are further authorized and empowered to employ such attorneys, experts, assistants, clerks, laborers, and other employees as they may deem necessary, and to fix their compensation, subject to the approval of the Federal Farm Loan Board [now Farm Credit Administration].* (July 17, 1916, sec. 4, 39 Stat. 362; 12 U. S. C., sec. 673.)

638-29. Organization certificates; contents.—Said temporary directors shall, under their hands, forthwith make an organization certificate,

which shall specifically state:

First. The name assumed by such bank.

Second. The district within which its operations are to be carried on, and the particular city in which its principal office is to be located.

Third. The amount of capital stock and the number of shares into which the same is to be divided: *Provided*, That every Federal land bank organized under this Act shall by its articles of association permit an increase of its capital stock from time to time for the purpose of providing for the issue of shares to national farm loan associations and stockholders who may secure loans through agents of Federal

land banks in accordance with the provisions of this Act.

Fourth. The fact that the certificate is made to enable such persons to avail themselves of the advantages of this Act. The organization certificate shall be acknowledged before a judge or clerk of some court of record or notary public, and shall be, together with the acknowledgment thereof, authenticated by the seal of such court or notary, transmitted to the Land Bank Commissioner, who shall record and carefully preserve the same in his office, where it shall be at all times open to public inspection. (July 17, 1916, sec. 4, 39 Stat. 362; June 16, 1933, sec. 80 (a), 48 Stat. 273; 12 U. S. C., sec. 674.)

638-30. Changes in organization certificate.—The Federal Farm Loan Board [now Farm Credit Administration]* is authorized to direct such changes in or additions to any such organization certificate, not inconsistent with this Act, as it may deem necessary or expedient.

(July 17, 1916, sec. 4, 39 Stat. 363; 12 U. S. C., sec. 675.)

^{*}See Ex. Or. 6084, p. 254, this volume.

638-31. Time of commencement of corporate existence; powers enumerated.—Upon duly making and filing such organization certificate the bank shall become, as from the date of the execution of its organization certificate, a body corporate, and as such, and in the name designated in the organization certificate, it shall have power—

First. To adopt and use a corporate seal.

Second. To have succession until it is dissolved by Act of Congress or under the provisions of this Act.

Third. To make contracts.

Fourth. To sue and be sued, complain, interplead, and defend, in

any court of law or equity, as fully as natural persons.

Fifth. To elect or appoint directors, and by its board of directors to elect a president and a vice president, appoint a secretary and a treasurer and other officers and employees, define their duties, require bonds of them, and fix the penalty thereof; by action of its board of directors dismiss such officers and employees, or any of them, at

pleasure and appoint others to fill their places.

Sixth. To prescribe, by its board of directors, subject to the supervision and regulation of the Federal Farm Loan Board [now Farm Credit Administration],* by-laws not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors elected, its officers elected or appointed, its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed.

Seventh. To exercise, by its board of directors or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business herein described. (July 17, 1916,

sec. 4, 39 Stat. 363; 12 U. S. C., sec. 676.)

638-32. Time of termination of temporary management.—After the subscriptions to stock in any Federal land bank by national farm loan associations, hereinafter authorized, shall have reached the sum of \$100,000, the officers and directors of said land bank shall be chosen as herein provided and shall, upon becoming duly qualified, take over the management of said land bank from the temporary officers selected under this section. (July 17, 1916, sec. 4, 39 Stat. 363; 12 U. S. C., sec. 677.)

638-33. Directors; compensation of officers and employees.—The members of the farm credit board of each farm credit district provided for in the Farm Credit Act of 1937 shall be ex officio the directors of the Federal land bank located in that district. Any compensation that may be provided by the board of directors of any Federal land bank for officers or employees shall be subject to the approval of the Farm Credit Administration. (July 17, 1916, sec. 4, 39 Stat. 363;

Aug. 19, 1937, sec. 7 (b), 50 Stat. 707; 12 U. S. C., sec. 677a.)

638-34. Capital stock of Federal land banks; minimum amount of original capital; regulation of subscriptions.—That every Federal land bank shall have, before beginning business, a subscribed capital of not less than \$750,000. The Federal Farm Loan Board [now Farm Credit Administration]* is authorized to prescribe the times and conditions of the payment of subscriptions to capital stock, to reject any subscription in its discretion, and to require subscribers to furnish adequate secu-

^{*}See Ex. Or. 6084, p. 254, this volume.

rity for the payment thereof. (July 17, 1916, sec. 5, 39 Stat. 364;

12 U. S. C., sec. 691.)

638-35. Shares; value; who may subscribe to original stock.—The capital stock of each Federal land bank shall be divided into shares of \$5 each, and may be subscribed for and held by any individual, firm, or corporation, or by the Government of any State or of the United States. (July 17, 1916, sec. 5, 39 Stat. 364; 12 U. S. C., sec. 692.)

638-36. Transfer of stock held by national farm loan associations.-Stock held by national farm loan associations shall not be transferred or hypothecated, and the certificates therefor shall so state. (July 17,

1916, sec. 5, 39 Stat. 364; 12 U. S. C., sec. 693.)
638-37. Dividends; voting stock.—Stock owned by the Government of the United States in Federal land banks shall receive no dividends, but all other stock shall share in dividend distributions without preference. Each national farm loan association and the Government of the United States shall be entitled to one vote for each share of stock held by it in deciding all questions at meetings of shareholders, and no other shareholder shall be permitted to vote. Stock owned by the United States shall be voted by the Land Bank Commissioner, as directed by the Federal Farm Loan Board [now Farm Credit Administration].* (July 17, 1916, sec. 5, 39 Stat. 364; June 16, 1933, sec. 80 (a), 48 Stat. 273; 12 U. S. C., sec. 694.)

638-38. Subscriptions to original stock; subscriptions by United States for unsubscribed balance of original capital stock.—It shall be the duty of the Federal Farm Loan Board [now Farm Credit Administra-tion],* as soon as practicable after the passage of this act, to open books of subscription for the capital stock of a Federal land bank in each farm credit district. If within thirty days after the opening of said books any part of the minimum capitalization of \$750,000 herein prescribed for Federal land banks shall remain unsubscribed, it shall be the duty of the Secretary of the Treasury to subscribe the balance thereof on behalf of the United States, said subscription to be subject to call in whole or in part by the board of directors of said land bank upon thirty days' notice with the approval of the Federal Farm Loan Board [now Farm Credit Administration]*; and the Secretary of the Treasury is hereby authorized and directed to take out shares corresponding to the unsubscribed balance as called, and to pay for the same out of any moneys in the Treasury not otherwise appropriated. Thereafter no stock shall be issued except as hereinafter provided. (July 17, 1916, sec. 5, 39 Stat. 364; Aug. 19, 1937, sec. 5 (a), 50 Stat. 704; 12 U.S. C., sec. 695.)

638-39. Retirement of original stock.—After the subscriptions to capital stock by national farm loan associations shall amount to \$750,000 in any Federal land bank, said bank shall apply semiannually to the payment and retirement of the shares of stock which were issued to represent the subscriptions to the original capital twentyfive per centum of all sums thereafter subscribed by national farm loan associations, by borrowers through agencies, and by borrowers through branch banks to capital stock until all such original capital stock is retired at par. (July 17, 1916, sec. 5, 39 Stat. 364; Jan. 23, 1932, sec. 1, 47 Stat. 12; 12 U. S. C., sec. 696.)

^{*}See Ex. Or. 6084, p. 254, this volume.

638-40. Proportion held in quick assets.—At least twenty-five per centum of that part of the capital of any Federal land bank for which stock is outstanding in the name of national farm loan associations shall be held in quick assets, and may consist of cash in the vaults of said land bank, or in deposits in member banks of the Federal reserve system, or in readily marketable securities which are approved under rules and regulations of the Federal Farm Loan Board [now Farm Credit Administration]*: Provided, That not less than five per centum of such capital shall be invested in United States Government bonds. (July 17, 1916, sec. 5, 39 Stat. 364; 12

U. S. C., sec. 697.)

638-41. Subscriptions by United States; terms; amount; retirement. It shall be the duty of the Secretary of the Treasury on behalf of the United States, upon the request of the board of directors of any Federal land bank made with the approval of the Federal Farm Loan Board [now Farm Credit Administration],* to subscribe from time to time for capital stock of such bank in an amount or amounts specified in such approval or approvals, such subscriptions to be subject to call in whole or in part by the board of directors of said bank upon thirty days' notice with the approval of the Federal Farm Lean Board [now Farm Credit Administration].* The Secretary of the Treasury is hereby authorized and directed to take out and pay for shares having an aggregate par value equal to the amounts so called; and to enable the Secretary of the Treasury to pay for stock issued hereunder there is hereby authorized to be appropriated the sum of \$125,000,000 such stock to be nonvoting. Shares of stock issued pursuant to this paragraph shall be paid off at par and retired in the same manner as the original capital stock of said bank after said original stock outstanding, if any, has been paid off and retired: Provided, however, That stock issued pursuant to this paragraph may at any time, in the discretion of the directors and with the approval of the Federal Farm Loan Board [now Farm Credit Administration],* be paid off at par and retired in whole or in part; and that said board [now administration] * may at any time require such stock to be paid off at par and retired in whole or in part if in the opinion of the board [now administration]* the bank has resources available therefor. The proceeds of all repayments on account of stock issued pursuant to this paragraph shall be held in the Treasury of the United States and shall be available for the purpose of paying for other stock thereafter issued pursuant to this paragraph. (July 17, 1916, sec. 5, 39 Stat. 364; Jan. 23, 1932, sec. 2, 47 Stat. 12; 12 U. S. C., sec. 698.)

638-42. Federal and joint stock land banks as Government depositaries and financial agents; surety bonds; investment of funds.—That all Federal land banks and joint stock land banks organized under this Act, when designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by said Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties, as depositaries of public money and financial agents of the Government, as may be

^{*}See Ex. Or. 6084, p. 254, this volume.

required of them. And the Secretary of the Treasury shall require of the Federal land banks and joint stock land banks thus designated satisfactory security, by the deposit of United States bonds or otherwise, for the safekeeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government. No Government funds deposited under the provisions of this section shall be invested in mortgage loans or farm loan bonds. (July 17, 1916, sec. 6, 39 Stat. 365; 12 U. S. C., sec. 701.)

638-43. National farm-loan associations; organization; articles of association; signature; copies for land banks.—That corporations, to be known as national farm loan associations, may be organized by persons desiring to borrow money on farm mortgage security under the terms of this Act. Such persons shall enter into articles of association which shall specify in general terms the object for which the association is formed and the territory within which its operations are to be carried on, and which may contain any other provision, not inconsistent with law, which the association may see fit to adopt for the regulation of its business and the conduct of its affairs. Said articles shall be signed by the persons uniting to form the association, and a copy thereof shall be forwarded to the Federal land bank for the district, to be filed and preserved in its office. (July 17, 1916,

sec. 7, 39 Stat. 365; 12 U. S. C., sec. 711.)

638-44. Directors; officers; loan committee.—The board of directors of every national farm loan association shall consist of not less than five nor more than seven members, who shall be elected by the shareholders of the association. Elections of such directors shall be held once each year at an annual meeting of the shareholders. Every national farm loan association shall at the first annual meeting of its shareholders subsequent to the enactment of the Farm Credit Act of 1937 elect two directors for a term of three years, two directors for a term of two years, and the remainder of its board of directors for a term of one year. Thereafter directors shall be chosen to serve for terms of three years, and the shareholders of each association shall annually elect as many directors as may be necessary to fill the places of those directors whose terms expire during the year. Any vacancy that may occur in the board of directors through death, resignation or other cause shall be filled at the next annual meeting of shareholders by the election of a director to serve out the unexpired portion of the term, or a special meeting of shareholders may be called for this purpose. Until such election the remaining directors shall have power to fill the vacancy for the time being by appointing a temporary director to serve until the next meeting of shareholders. All directors shall hold office until their successors are elected and have qualified. It shall be the duty of said board of directors to choose in such manner as they may prefer a secretary-treasurer, who shall receive such compensation as said board of directors shall determine. The board of directors shall elect a president, a vice president, and a loan committee of three members. (July 17, 1916, sec. 7, 39 Stat. 365; Aug. 19, 1937, sec. 21, 50 Stat. 710; 12 U. S. C., sec. 712.)

638-45. Compensation and qualifications of directors.—The directors and all officers except the secretary-treasurer shall serve without compensation, unless the payment of salaries to them shall be ap-

proved by the Federal Farm Loan Board [now Farm Credit Administration]*. All officers and directors except the secretary-treasurer shall, during their term of office, be bona fide residents of the territory within which the association is authorized to do business, and shall be shareholders of the association. (July 17, 1916, sec. 7,

39 Stat. 365; 12 U. S. C., sec. 713.)

638-46. Secretary-treasurer; powers and duties; bond; reports; misconduct in office.—It shall be the duty of the secretary-treasurer of every national farm loan association to act as custodian of its funds and to deposit the same in such bank as the board of directors may designate, to pay over to borrowers all sums received for their account from the Federal land bank upon first mortgage as in this Act prescribed, and to meet all other obligations of the association, subject to the orders of the board of directors and in accordance with the by-laws of the association. It shall be the duty of the secretarytreasurer, acting under the direction of the national farm loan association, to collect, receipt for, and transmit to the Federal land bank payments of interest, amortization installments, or principal arising out of loans made through the association. He shall be the custodian of the securities, records, papers, certificates of stock, and all documents relating to or bearing upon the conduct of the affairs of the association. He shall furnish a suitable surety bond to be prescribed and approved by the Federal Farm Loan Board [now Farm Credit Administration]* for the proper performance of the duties imposed upon him under this Act, which shall cover prompt collection and transmission of funds. He shall make a quarterly report to the Federal Farm Loan Board [now Farm Credit Administration]* upon forms to be provided for that purpose. Upon request from said board [now administration]* said secretary-treasurer shall furnish information regarding the condition of the national farm loan association for which he is acting, and he shall carry out all duly authorized orders of said board [now administration]*. He shall assure himself from time to time that the loans made through the national farm loan association of which he is an officer are applied to the purposes set forth in the application of the borrower as approved, and shall forthwith report to the land bank of the district any failure of any borrower to comply with the terms of his application or mortgage. He shall also ascertain and report to said bank the amount of any delinquent taxes on land mortgaged to said bank and the name of the delinquent. No such secretary-treasurer shall engage in the making of land mortgage loans eligible at a Federal land bank through or for any other land mortgage company or agency, and the making of any such loan by any secretary-treasurer shall forthwith work a forfeiture of his office. (July 17, 1916, sec. 7, 39 Stat. 365; Mar. 4, 1923, sec. 305, 42 Stat. 1476; 12 U. S. C., sec. 714.)

638-47. Expenses and salaries; payment from general funds; assessments.—The reasonable expenses of the secretary-treasurer, the loan committee, and other officers and agents of national farm loan associations, and the salary of the secretary-treasurer, shall be paid from the general funds of the association, and the board of directors is authorized to set aside such sums as it shall deem requisite for that purpose and for other expenses of said association. When no such

^{*}See Ex. Or. 6084, p. 254, this volume.

funds are available, the board of directors may levy an assessment on members in proportion to the amount of stock held by each, which may be repaid as soon as funds are available, or it may secure an advance from the Federal land bank of the district, to be repaid with interest at the rate of six per centum per annum, from dividends belonging to said association. Said Federal land bank is hereby authorized to make such advance and to deduct such repayment. (July 17, 1916, sec. 7, 39 Stat. 365; 12 U. S. C., sec. 715.)

638-48. Number of incorporators; organization; directors; secretary-treasurer.—Ten or more persons who are the owners, or about to become the owners, of farm lands qualified as security for a mortgage loan under section 12 of this Act, may unite to form a national farm-loan association. They shall organize subject to the requirements and the conditions specified in this section and in section four of this Act, so far as the same may be applicable: *Provided*, That the board of directors may consist of five members only, and instead of a secretary and a treasurer there shall be a secretary-treasurer, who need not be a shareholder of the association. As used in this section, the term "person" includes an individual, an incorporated association, and a corporation which is eligible for a loan under section 12 of this Act. (July 17, 1916, sec. 7, 39 Stat. 365; June 3, 1935, sec. 19 (a), (b), 49 Stat. 319; 12 U. S. C., sec. 716.)

638-49. Report and affidavit accompanying articles of association. When the articles of association are forwarded to the Federal land bank of the district as provided in this section, they shall be accompanied by the written report of the loan committee as required in section ten of this Act, and by an affidavit stating that each of the subscribers is the owner, or is about to become the owner, of farm land qualified under section twelve of this Act as the basis of a mortgage loan; that the loan desired by each person is not more than \$10,000, nor less than \$100, and that the aggregate of the desired loans is not less than \$20,000; that said affidavit is accompanied by a subscription to stock in the Federal land bank equal to five per centum of the aggregate sum desired on mortgage loans; and that a temporary organization of said association has been formed by the election of a board of directors, a loan committee, and a secretary-treasurer who subscribes to said affidavit, giving his residence and post office address. (July 17, 1916, sec. 7, 39 Stat. 365; 12 U. S. C., sec. 717.)

638-50. Investigation of solvency of applicants for incorporation.—Upon receipt of such articles of association, with the accompanying affidavit and stock subscription, the directors of said Federal land bank shall send an appraiser to investigate the solvency and character of the applicants and the value of their lands, and shall then determine whether in their judgment a charter should be granted to such association. They shall forward such articles of association and the accompanying affidavit to the Federal Farm Loan Board [now Farm Credit Administration]* with their recommendation. If said recommendation is unfavorable, the charter shall be refused. (July 17, 1916,

sec. 7, 39 Stat. 365; 12 U. S. C., sec. 718.)

638-51. Grant or refusal of charter; modification.—If said recommendation is favorable, the Federal Farm Loan Board [now Farm Credit Administration]* shall thereupon grant a charter to the applicants

^{*}See Ex. Or. 6084, p. 254, this volume.

therefor, designating the territory in which such association may make loans, and shall forward said charter to said applicants through said Federal land bank: *Provided*, That said Federal Farm Loan Board [now Farm Credit Administration]* may for good cause shown in any case refuse to grant a charter. The boundaries of the territory designated in the charter of any national farm loan association may be readjusted from time to time to meet the farm loan needs of the locality, as determined by the Farm Credit Administration. (July 17, 1916, sec. 7, 39 Stat. 365; Aug. 19, 1937, sec. 8, 50 Stat. 707; 12 U. S. C., sec. 719.)

638-52. Authorization to receive funds to be loaned to members.—Upon receipt of its charter such national farm loan association shall be authorized and empowered to receive from the Federal land bank of the district sums to be loaned to its members under the terms and conditions of this Act. (July 17, 1916, sec. 7, 39 Stat. 365; 12 U. S. C.

sec. 720.)

638-53. Securing loans for members; subscriptions to stock of land bank as collateral; retirement of stock.—Whenever any national farm loan association shall desire to secure for any member a loan on first mortgage from the Federal land bank of its district it shall subscribe for capital stock of said land bank to the amount of five per centum of such loan, such subscription to be paid in cash upon the granting of the loan by said land bank. Such capital stock shall be held by said land bank as collateral security for the payment of said loan, but said association shall be paid any dividends accruing and payable on said capital stock while it is outstanding. Such stock may, in the discretion of the directors, and with the approval of the Federal Farm Loan Board [now Farm Credit Administration]*, be paid off at par and retired, and it shall be so paid off and retired upon full payment of the mortgage loan. In such case the national farm loan association shall pay off at par and retire the corresponding shares of its stock which were issued when said land bank stock was issued. (July 17, 1916, sec. 7, 39 Stat. 365; 12 U. S. C., sec. 721.)

638-54. Federal land banks; limitation on reduction of capital stock.— The capital stock of a Federal land bank shall not be reduced to an amount less than five per centum of the principal of the outstanding farm loan bonds issued by it. (July 17, 1916, sec. 7, 39 Stat. 365; 12

U. S. C., sec. 722.)

638-55. Federal land banks; direct loans .-

Authorization to make direct loans; provisions relative to loans through associations, applicable to direct loans. Whenever it shall appear to the Land Bank Commissioner that national farm-loan associations have not been formed in any locality in the continental United States, or that the farmers residing in the territory covered by the charter of a national farm-loan association are unable to apply to the Federal land bank of the district for loans on account of the inability of the bank to accept applications from such association, the Land Bank Commissioner shall authorize said bank to make direct loans to borrowers secured by first mortgages on farm lands situated within any such locality or territory. Except as herein otherwise specifically provided, all provisions of this Act applicable with respect to loans made through national farm-loan associations shall, insofar as practicable,

^{*}See Ex. Or. 6084, p. 254, this volume,

apply with respect to such direct loans, and the Land Bank Commissioner is authorized to make such rules and regulations as he may

deem necessary with respect to such direct loans.

Interest rate. The rate of interest on such direct loans made at any time by any Federal land bank shall be one-half of 1 per centum per annum in excess of the rate of interest charged to borrowers on mortgage loans made at such time by the bank through national farm-loan associations.

Subscription to stock; retirement of stock. Each borrower who obtains a direct loan from a Federal land bank shall subscribe and pay for stock in such bank in the sum of \$5 for each \$100 or fraction thereof borrowed. Such stock shall be held by such Federal land bank as collateral security for the loan of the borrower and shall participate in all dividends. Upon full payment of the loan such stock shall, if still outstanding, be canceled at par, or, in the event that such stock shall have become impaired, at the estimated value thereof as approved by the Land Bank Commissioner, and the proceeds thereof shall be paid to the borrower. Any borrower's interest in such stock may be transferred or hypothecated, by him or by operation of law,

to the Federal Farm Mortgage Corporation.

Organization of national farm loan association by direct borrowers. Each such borrower may covenant in his mortgage that, whenever there are ten or more borrowers who have obtained from a Federal land bank direct loans under the provisions of this section aggregating not less than \$20,000, and who reside in a locality which may, in the opinion of the Land Bank Commissioner, be conveniently covered by the charter of and served by a national farm-loan association, he will unite with such other borrowers to form a national farm-loan association. Such borrowers shall organize the association subject to the requirements and the conditions specified in this section, so far as the same may be applicable, and in accordance with rules and regulations of the Land Bank Commissioner. As soon as the organization of the association has been approved by the Land Bank Commissioner, the stock in the Federal land bank held by each of the members of such association shall be canceled at par, and in lieu thereof the bank shall issue in the name of the association an equal amount of stock in said bank, which stock shall be held by said bank as collateral security as provided in this section with respect to other loans through national farm-loan associations. Thereupon there shall be issued to each such member an amount of capital stock in the association equal to the amount which he previously held in said bank, which stock shall be held by said association as collateral security as provided in section 8 of this Act. The board of directors of said association shall adopt a resolution authorizing and directing its secretary-treasurer on behalf of said association to endorse, and thereby become liable for the payment of, the mortgages taken from its charter members by the Federal land bank. When it shall appear to the satisfaction of the Land Bank Commissioner that all the foregoing conditions have been complied with, and upon the granting of the charter by the Land Bank Commissioner, the interest rate paid by each charter member of such association whose loan is in good standing shall, beginning with his next regular installment date, be reduced to the rate of interest paid by borrowers on new loans made through national farm-loan associations in the same farm credit district at the time the said loan was

made to such charter member.

Charges to applicants and borrowers. Charges to be paid by applicants for direct loans from a Federal land bank shall not exceed amounts to be fixed by the Land Bank Commissioner and shall in no case exceed the charges which may be made to applicants for loans and borrowers through national farm-loan associations under the

provisions of sections 11 and 13 of this Act.

Option to make loan in bonds. Direct loans made under section 7 of the Federal Farm Loan Act, as amended (U. S. C., Sup. VII, title 12, sec. 723), may, at the option of the Federal land bank, be made in bonds of the Federal Farm Mortgage Corporation. (July 17, 1916, sec. 7, 39 Stat. 365; Mar. 4, 1933, sec. 1, 47 Stat. 1547; May 12, 1933, sec. 26, 48 Stat. 44; June 16, 1933, sec. 80 (a), 48 Stat. 273; Jan. 31, 1934, sec. 6, 48 Stat. 346; Aug. 19, 1937, secs. 22, 5 (a), 50 Stat. 710, 704; 12 U. S. C., secs. 723 (a) to (f).

638-56. Loans when association's stock is impaired.—

Authorization; interest; admission to membership of borrowers under paragraph 638-55.—(b) Whenever it shall appear that the capital stock of a national farm loan association is impaired, the Farm Credit Administration may authorize the Federal land bank of the district in which such association is located to make loans to applicants through such association subject to the requirements and conditions specified for direct loans in paragraphs 12 to 16, both inclusive, of section 7 of the Federal Farm Loan Act, as amended (U. S. C., 1934) edition, title 12, sec. 723), except as herein otherwise specifically provided, and may authorize such association to elect to membership borrowers having loans made pursuant to said paragraphs on lands situated within the chartered territory of the association. Borrowers admitted to membership in the association pursuant hereto shall be entitled to vote and hold office in the association and the rate of interest on their loans shall be one-fourth of 1 per centum per annum less than the rate of interest provided at such time for direct loans. The association shall endorse all such mortgage loans but it shall not become liable therefor except as hereinafter provided.

Effect of admission of ten borrowers with loans in good standing aggregating \$20,000. When there are ten or more borrowers admitted to membership in an association pursuant hereto whose loans are in good standing, as defined by the Farm Credit Administration, and

aggregate not less than \$20,000:

First. The association shall become liable for the payment of said loans: *Provided*, *however*, That, any other provisions of law to the contrary notwithstanding, the shareholders who have become members pursuant to this subsection shall not be held responsible, through the amount paid in and represented by their shares or otherwise, for any contracts, debts, or engagements of the association entered into before the date on which the first member was admitted to the association pursuant to this subsection and the shareholders of such association who were members prior to said date shall not be held responsible, through the amount paid in and represented by their shares or otherwise, for any mortgages endorsed by such association on or after said date, but this provision shall not be construed to relieve any

other liability with respect to stock held by shareholders who

were members prior to said date.

Second. The interest rate paid by each such borrower on each such loan shall, beginning with the next regular installment date,

be reduced one-fourth of 1 per centum per annum.

Third. The stock in the Federal land bank held by each of said borrowers shall be exchanged for association stock in the manner provided for in paragraph 15 of section 7 of the Federal Farm Loan Act, as amended (U. S. C., 1934 edition, title 12, sec. 723, subsec. (d)).

Fourth. The association may thereafter admit new members. endorse their loans, and become liable for the payment of such loans as provided in paragraph "First" of this subsection.

Fifth. At the next annual meeting of stockholders, and thereafter, the loan committee of such association may be elected by the members who become stockholders pursuant to this subsection and any loan committee so elected shall have the powers specified for loan committees elected as provided in subsection (a) of this section: Provided, however, That in the event such stockholders fail to elect the loan committee, new members shall be admitted to the association as otherwise provided in the

Federal Farm Loan Act, as amended.

Sixth. In accordance with rules and regulations prescribed by the Farm Credit Administration, the association shall maintain separate capital-stock records; shall keep all capital losses or gains, reserves (including legal reserves), and dividends received from the Federal land bank on stock owned by the association in connection with loans for which it becomes liable as provided in this subsection separate and apart from capital losses or gains, reserves (including legal reserves), and dividends received from the Federal land bank on stock owned by the association in connection with other loans of the association; and shall segregate any undivided profits of the association resulting from its business operations in like manner when so required by rules and regulations of the Farm Credit Administration. Subject to the other provisions of the Federal Farm Loan Act with respect to the declaration of dividends, dividends may be declared exclusively on association stock owned by borrowers with loans for which the association becomes liable as provided in this subsection or exclusively on association stock owned by borrowers with other loans through the association.

Same; effect of loan not in good standing. If the loan of any borrower who was admitted to membership pursuant hereto is not in good standing at the time when there are ten or more borrowers with loans aggregating not less than \$20,000 which are in good standing, the provisions of paragraphs "First", "Second", and "Third" of this subsection shall be applicable to his loan at such time as it shall be placed in good standing.

Removal of impairment of stock. If and when all impairment is removed in the stock owned by shareholders with loans which were made prior to the date on which the first member was admitted to the association pursuant to this subsection, the holders of such stock and the holders of stock issued on and after said date may, pursuant to rules and regulations of the Farm Credit Administration and consistent with the provisions of the Federal Farm Loan Act, as amended, agree as to the rights, powers, privileges, duties, and liabilities which shall thenceforth attach to their respective shares of stock and otherwise agree as to the future applicability, if any, of the special provisions contained in this subsection. (Aug. 19, 1937, sec. 25 (b), 50 Stat. 711; 12 U. S. C., sec. 724 (a) to (d).)

638-57. Capital stock of national farm loan associations; par value of shares.—That the shares in national farm loan associations shall be of the par value of \$5 each. (July 17, 1916, sec. 8, 39 Stat. 367; 12

U. S. C., sec. 731.)

638-58. Voting privileges.—Every shareholder shall be entitled to one vote, and no more, at all elections of directors and in deciding all questions at meetings of shareholders.† (July 17, 1916, sec. 8, 39 Stat.

367; Aug. 19, 1937, sec. 23, 50 Stat. 710; 12 U. S. C., sec. 732.)

638-59. Borrowers only to be members; application for membership; subscription to stock in association; stock held as collateral; retirement of stock.—No persons but borrowers on farm land mortgages shall be members or shareholders of national farm loan associations. person desiring to borrow on farm land mortgage through a national farm loan association shall make application for membership and shall subscribe for shares of stock in such farm loan association to an amount equal to five per centum of the face of the desired loan, said subscription to be paid in cash upon the granting of the loan. If the application for membership is accepted and the loan is granted, the applicant shall, upon full payment therefor, become the owner of one share of capital stock in said loan association for each \$100 of the face of his loan, or any major fractional part thereof. Said capital stock shall be paid off at par and retired upon full payment of said loan. Said capital stock shall be held by said association as collateral security for the payment of said loan, but said borrower shall be paid any dividends accruing and payable on said capital stock while it is outstanding. (July 17, 1916, sec. 8, 39 Stat. 367; 12 U. S. C., sec. 733.)

638-60. Increase of stock.—Every national farm loan association formed under this Act shall by its articles of association provide for an increase of its capital stock from time to time for the purpose of securing additional loans for its members and providing for the issue of shares to borrowers in accordance with the provisions of this Act. Such increases shall be included in the quarterly reports to the Federal Farm Loan Board [now Farm Credit Administration].* (July 17,

1916, sec. 8, 39 Stat. 367; 12 U. S. C., sec. 734.)

638-61. Right of members to loans.—That any person whose application for membership is accepted by a national farm loan association shall be entitled to borrow money on farm land mortgage upon filing his application in accordance with section eight and otherwise complying with the terms of this Act whenever the Federal land bank of the district has funds available for that purpose, unless said land bank or the Federal Farm Loan Board [now Farm Credit Administration]* shall, in its discretion, otherwise determine. (July 17, 1916, sec. 9, 39 Stat. 368; 12 U. S. C., sec. 741.)

[†]This section became effective thirty days after Aug. 19, 1937, by the terms of 50 Stat. 710.

^{*}See Ex. Or. 6084, p. 254, this volume,

Any person desiring to secure a loan through a national farm loan association under the provisions of this Act may, at his option, borrow from the Federal land bank through such association the sum necessary to pay for shares of stock subscribed for by him in the national farm loan association, such sum to be made a part of the face of the loan and paid off in amortization payments: *Provided*, however, That such addition to the loan shall not be permitted to increase said loan above the limitation imposed in subsection fifth of section twelve. (July 17,

1916, sec. 9, 39 Stat. 368; 12 U.S. C., sec. 742.)

638-63. Commissions on interest payments; deduction from dividends; loans by land banks to associations; rate of interest.—Subject to rules and regulations prescribed by the Federal Farm Loan Board [now Farm Credit Administration]*, any national farm loan association shall be entitled to retain as a commission from each interest payment on any loan indorsed by it an amount to be determined by said board [now administration]* not to exceed one-eighth of one per centum semiannually upon the unpaid principal of said loan, any amounts so retained as commissions to be deducted from dividends payable to such farm loan association by the Federal land bank, and to make application to the land bank of the district for loans not exceeding in the aggregate one-fourth of its total stock holdings in said land bank. The Federal land banks shall have power to make such loans to associations applying therefor and to charge interest at a rate not exceeding six per centum per annum. (July 17, 1916, sec. 9, 39 Stat. 368; 12 U. S. C., sec. 743.)

638-64. Individual liability of shareholders.—Shareholders of every national farm loan association shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such association to the extent of the amount of stock owned by them at the par value thereof, in addition to the amount paid in and represented by their shares. (July 17, 1916, sec. 9, 39 Stat.

368; 12 U. S. C., sec. 744.)

638-65. Same; contract liability after June 16, 1933.—Notwithstanding the provisions of the fourth paragraph of section 9 of the Federal Farm Loan Act, as amended (U. S. C., title 12, sec. 744), the shareholders of national farm-loan associations shall not be held individually responsible for any contract, debt, or engagement of such association entered into after the date of the enactment of this Act, but this section shall not be construed to relieve any other liability with respect to stock held by such shareholders. (June 16, 1933, sec. 72,

48 Stat. 271; 12 U. S. C., sec. 744a.)

638-66. New members.—After a charter has been granted to a national farm loan association, any person who is the owner, or about to become the owner, of farm land qualified under section twelve of this Act as the basis of a mortgage loan, and who desires to borrow on a mortgage of such farm land, may become a member of the association by a majority vote of the directors upon subscribing for one share of the capital stock of such association for each \$100 of the face of his proposed loan or any major fractional part thereof. He shall at the same time file with the secretary-treasurer his application for a mortgage loan, giving the particulars required by section twelve of this

^{*}See Ex. Or. 6084, p. 254, this volume.

Act. As used in this section, the term "person" includes an individual, an incorporated association, and a corporation which is eligible for a loan under section 12 of this Act. (July 17, 1916, sec. 9, 39 Stat. 368; June 3, 1935, sec. 20, 49 Stat. 319; Aug. 19, 1937, sec. 24, 50 Stat. 710;

12 U. S. C., sec. 745.)

638-67. Common board of directors for two or more associations.-Any other provisions of law to the contrary notwithstanding, two or more national farm loan associations may with the approval of the Farm Credit Administration, and by an agreement not inconsistent with any rules and regulations prescribed by the said Administration, provide for a common board of directors to be elected by the shareholders of the associations that are parties to the agreement: Provided, however, That each member of any such board shall be a shareholder in an association that is a party to the agreement and shall be a bona fide resident of the territory within which such association is authorized to do business: And provided further, That no such agreement shall provide for a term of office in excess of three years for any member of such board. The number of members of the common board of directors shall be specified in the agreement and shall be five or more. The agreement may provide that any director may be elected by the shareholders of one or more of the associations which are parties to the agreement; that in the balloting for any director an association may vote at a separate meeting of its shareholders or at a joint meeting with the shareholders of any other association or associations participating in the election of the director; and that the candidate receiving the highest aggregate number of votes at such meeting or meetings shall be declared elected. Whenever two or more national farm loan associations have entered into such an agreement, the members of the common board of directors provided for in the agreement shall be ex officio the members of the board of directors of each association that is a party to the agreement, any provisions of this Act to the contrary notwithstanding. (July 17, 1916, sec. 9, 39 Stat. 368; Aug. 19, 1937, sec. 25(a), 50 Stat. 710; 12 U. S. C., sec. 746.)

638-68. Same; transfer of powers to loan committee.—Whenever a national farm loan association has entered into such an agreement, the power of approving applications for loans through the association and the power of admitting persons to membership in the association shall be vested in the loan committee of the association in lieu of being vested in its board of directors. The loan committee of any such association shall be elected annually by the shareholders of the association, instead of by its board of directors, and the shareholders shall in addition annually elect two alternates to serve as members of the loan committee at such times as regular members may be absent or disqualified. (July 17, 1916, sec. 9, 39 Stat. 368; Aug. 19, 1937, sec. 25 (a), 50 Stat. 710; 12 U. S. C., sec. 747.)

638-69. Appraisal for farm loans; investigation by loan committee of association; character and solvency of applicant; sufficiency of security offered; report.—That whenever an application for a mortgage loan is made through a national farm loan association, the loan committee provided for in section 7 of this Act, shall forthwith make, or cause to be made, such investigation as it may deem necessary as to the character and solvency of the applicant, and the sufficiency of the security offered, and cause written report to be made of the result

of such investigation, and shall, if it concurs in such report, approve the same in writing. No loan shall be made unless the report is favorable, and the loan committee is unanimous in its approval (July 17, 1916, sec. 10, 39 Stat. 369; Apr. 20, 1920, sec. 2,

41 Stat. 570; 12 U.S.C., sec. 751.)

638-70. Submission to land bank of loan application and report of association's committee; consideration of association's appraisal by bank,-The written report required in the preceding paragraph shall be submitted to the Federal land bank, together with the application for the loan, and the directors of said land bank shall examine said written report when they pass on the loan application which it accompanies, but they shall not be bound by said appraisal. (July 17, 1916, sec. 10, 39 Stat. 369; April 20, 1920, sec. 2, 41 Stat. 570; 12 U. S. C., sec. 752.)

638-71. Requirement for appraisal of land offered as security before making land bank loan.—Before any mortgage loan is made by any Federal land bank, or joint stock land bank, it shall refer the application and written report of the loan committee to one or more of the land bank appraisers appointed under the authority of section three of this Act, and such appraiser or appraisers shall investigate and make a written report upon the land offered as security for said loan. No such loan shall be made by said land bank unless said written report is favorable. (July 17, 1916, sec. 10, 39 Stat. 369; 12 U. S. C., sec. 753.)

638-72. Forms for reports.—Forms for appraisal reports for farm loan associations and land banks shall be prescribed by the Federal Farm Loan Board [now Farm Credit Administration]*. (July 17,

1916, sec. 10, 39 Stat. 369; 12 U.S. C., sec. 754.)

638-73. Examinations by land bank appraisers as to farm loan bonds and first mortgages.—Land bank appraisers shall make such examinations and appraisals and conduct such investigations, concerning farm loan bonds and first mortgages, as the Federal Farm Loan Board [now Farm Credit Administration]* shall direct. (July 17, 1916.

sec. 10, 39 Stat. 369; 12 U.S.C., sec. 755.)

638-74. Borrower ineligible as land bank appraiser; association director or committeeman disqualified by interest in loan.-No borrower under this Act shall be eligible as an appraiser under this section, but borrowers may act as members of a loan committee in any case where they are not personally interested in the loan under consideration. When any member of a loan committee or of a board of directors is interested, directly or indirectly, in a loan, a majority of the board of directors of any national farm loan association shall appoint a substitute to act in his place in passing upon such loan. (July 17, 1916, sec. 10, 39 Stat. 369; 12 U. S. C., sec. 756.)

638-75. Powers of national farm loan associations; enumerated powers.—That every national farm loan association shall have power:

First. To indorse, and thereby become liable for the payment of, mortgages taken from its shareholders by the Federal land bank of its district.

Second. To receive from the Federal land bank of its district funds advanced by said land bank, and to deliver said funds to its shareholders on receipt of first mortgages qualified under section twelve of this Act.

^{*}See Ex. Or. 6084, p. 254, this volume.

Third. To fix reasonable initial charges to be made against applicants for loans and to borrowers in order to meet the necessary expenses of the association: *Provided*, That such charges shall not exceed amounts to be fixed by the Farm Loan Board [now Farm Credit Administration]*, and shall in no case exceed 1 per centum of the amount of the loan applied for; to acquire and dispose of property, real and personal, that may be necessary or convenient for the transaction of its business.

Fourth. To issue certificates against deposits of current funds bearing interest for not longer than one year at not to exceed four per centum per annum after six days from date, convertible into farm loan bonds when presented at the Federal land bank of the district in the amount of \$25 or any multiple thereof. Such deposits, when received, shall be forthwith transmitted to said land bank, and be invested by it in the purchase of farm loan bonds issued by a Federal

land bank or in first mortgages as defined by this Act.

Fifth. Whenever a Federal land bank shall have empowered any national farm loan association of its district to collect and pay over to said bank the dues, interest, amortization installments, and other sums payable under the terms, conditions, and covenants of the mortgages taken from its shareholders, such association may, with the approval of said bank, enter into an agreement with another association operating in the same or adjacent territory to make such collections, for and on behalf of the association thus empowered to do so, on any or all of said loans, and immediately pay the amounts so collected to said land bank. Such agreements shall be made upon such terms and conditions and for such consideration as may be approved by the Farm Credit Administration. (July 17, 1916, sec. 11, 39 Stat. 369; Apr. 20, 1920, sec. 3, 41 Stat. 570; Aug. 19, 1937, sec. 25 (c), 50 Stat. 713; 12 U. S. C., sec. 761.)

638-76. Restrictions on loans of Federal land banks; restrictions enumerated.—That no Federal land bank organized under this Act shall

make loans except upon the following terms and conditions:

First. Said loans shall be secured by duly recorded first mortgages on farm land within the farm credit district in which the bank is situated.

Second. Every such mortgage shall contain an agreement providing for the repayment of the loan on an amortization plan by means of a fixed number of annual or semiannual installments sufficient to cover, first, a charge on the loan at a rate not exceeding the interest rate in the last series of farm-loan bonds issued by the land bank making the loan; second, a charge for administration and profits at a rate not exceeding, except with the approval of the Governor of the Farm Credit Administration, 1 per centum per annum on the unpaid principal, said two rates combined constituting the interest rate on the mortgage; and, third, such amounts to be applied on the principal as will extinguish the debt within an agreed period, not less than five years nor more than forty years: Provided, That after five years from the date upon which a loan is made the mortgagor may, upon any regular installment date, make, in advance, any number of payments or any portion thereof on account of the principal of his loan as provided by his contract or pay the entire principal of such loan, under

^{*}See Ex. Or. 6084, p. 254, this volume.

the rules and regulations of the Federal Farm Loan Board [now Farm Credit Administration]*: And provided further, That before the first issues of farm-loan bonds by any land bank the interest rate on mortgages may be determined in the discretion of said land bank, subject to the provisions and limitations of this Act.

Third. No loan on mortgage shall be made under this Act at a rate of interest exceeding six per centum per annum, exclusive of

amortization payments.

Fourth. Such loans may be made for the following purposes and for no other:

(a) To provide for the purchase of land for agricultural uses.

(b) To provide for the purchase of equipment, fertilizers, and live-stock necessary for the proper and reasonable operation of the mortgaged farm; the term "equipment" to be defined by the Federal Farm Board [now Farm Credit Administration]*.

(c) To provide buildings and for the improvement of farm lands; the term "improvement" to be defined by the Federal Farm Loan

Board [now Farm Credit Administration].

(d) To liquidate indebtedness of the owner of the land mortgaged incurred for agricultural purposes, or incurred prior to January 1, 1937.

(e) To provide the owner of the land mortgaged with funds for

general agricultural uses.

Fifth. No such loan shall exceed fifty per centum of the value of the land mortgaged and twenty per centum of the value of the permanent, insured improvements thereon, said value to be ascertained by appraisal, as provided in section ten of this Act. In making said appraisal the value of the land for agricultural purposes shall be the basis of appraisal and the earning power of said land shall be

a principal factor.

That in making loans to owners of groves and orchards, including citrus-fruit groves and other fruit groves and orchards, the Federal land banks, the farm land banks, and all Government agencies making loans upon such character of property may, in appraising the property offered as security, give a reasonable and fair valuation to the fruit trees located and growing upon said property and constituting a substantial part of its value. In determining the earning power of land used for the raising of livestock, due consideration shall be given to the extent to which the earning power of the fee-owned land is augmented by a lease or permit, granted by lawful authority of the United States or of any State, for the use of a portion of the public lands of the United States or of such State, where such permit or lease is in the nature of a right adjunctive to such fee-owned land, and its availability for use as such during the terms of the loan is reasonably assured.

A reappraisal may be permitted at any time in the discretion of the Federal land bank, and such additional loan may be granted as such reappraisal will warrant under the provisions of this paragraph. Whenever the amount of the loan applied for exceeds the amount that may be loaned under the appraisal as herein limited, such loan may be granted to the amount permitted under the terms of this paragraph without requiring a new application or appraisal.

^{*}See Ex. Or. 6084, p. 254, this volume.

Sixth. No such loan shall be made to any person who is not at the time, or shortly to become, engaged in farming operations or to any other person unless the principal part of his income is derived from farming operations. In case of the sale of the mortgaged land, the Federal land bank may permit said mortgage and the stock interests of the vendor to be assumed by the purchaser. In case of the death of the mortgagor, his heir or heirs, or his legal representative or representatives, shall have the option, within sixty days of such death, to assume the mortgage and stock interests of the deceased. As used in this paragraph (1) the term "person" includes an individual or a corporation engaged in the raising of livestock; and (2) the term "corporation" includes any incorporated association; but no such loan shall be made to a corporation (A) unless all the stock of the corporation is owned by individuals themselves personally actually engaged in the raising of livestock on the farm to be mortgaged as security for the loan, except in a case where the Land Bank Commissioner permits the loan if at least 75 per centum in value and number of shares of the stock of the corporation is owned by the individuals personally actually so engaged, and (B) unless the owners of at least 75 per centum in value and number of shares of the stock of the corporation assume personal liability for the loan. No loan shall be made to any corporation which is a subsidiary of, or affiliated (either directly or through substantial identity of stock ownership) with, a corporation, ineligible to procure a loan in the amount applied for.

Seventh. The amount of loans to any one borrower shall in no case exceed a maximum of \$50,000, but loans to any one borrower shall not exceed \$25,000 unless approved by the Land Bank Commissioner, nor shall any one loan be for a less sum than \$100, but preference shall be given to applications for loans of \$10,000 and under.

Eighth. Every applicant for a loan under the terms of this Act shall make application on a form to be prescribed for that purpose by the Federal Farm Loan Board [now Farm Credit Administration]. and such applicant shall state the objects to which the proceeds of said loan are to be applied, and shall afford such other information

as may be required.

Ninth. Every borrower shall pay simple interest on defaulted payments at the rate of eight per centum per annum, and by express covenant in his mortgage deed shall undertake to pay when due all taxes, liens, judgments, or assessments which may be lawfully assessed against the land mortgaged. Taxes, liens, judgments, or assessments not paid when due, and paid by the mortgagee, shall become a part of the mortgage debt and shall bear simple interest at the rate of eight per centum per annum. Every borrower shall undertake to keep insured to the satisfaction of the Federal Farm Loan Board now Farm Credit Administration | * all buildings the value of which was a factor in determining the amount of the loan. Insurance shall be made payable to the mortgageee as its interest may appear at time of loss, and, at the option of the mortgagor and subject to general regulations of the Federal Farm Loan Board [now Farm Credit Administration] *, sums so received may be used to pay for reconstruction of the buildings destroyed.

^{*}See Ex. Or. 6084, p. 254, this volume,

Tenth. Every borrower who shall be granted a loan under the provisions of this Act shall enter into an agreement, in form and under conditions to be prescribed by the Federal Farm Loan Board [now Farm Credit Administration] *, that if the whole or any portion of his loan shall be expended for purposes other than those specified in his original application, or if the borrower shall be in default in respect to any condition or covenant of the mortgage, the whole of said loan shall, at the option of the mortgagee, become due and payable forthwith: *Provided*, That the borrower may use part of said loan to pay for his stock in the farm loan association, and the land bank holding such mortgage may permit said loan to be used for any purpose specified in subsection fourth of this section.

Eleventh. That no loan or the mortgage securing the same shall be impaired or invalidated by reason of the exercise of any power by any Federal land bank or national farm loan association in excess

of the powers herein granted or any limitations thereon.

Twelfth. Notwithstanding the provisions of paragraph "Second," the rate of interest on any loans on mortgage made through national farm-loan associations or through agents as provided in section 15. or purchased from joint-stock land banks, by any Federal land bank, outstanding on the date this paragraph takes effect or made through national farm-loan associations after such date, shall not exceed 31/2 per centum per annum for all interest payable on installment dates occurring within a period of 7 years, commencing July 1, 1935; and no payment of the principal portion of any installment of any such loan outstanding on the date of the enactment of the Farm Credit Act of 1935 shall be required prior to July 11, 1938, if the borrower shall not be in default with respect to any other condition or covenant of his mortgage. The foregoing provisions shall apply to loans made by Federal land banks through branches, except that the rates of interest paid for the respective periods above specified shall be one-half of 1 per centum per annum in excess of the rates of interest paid during the corresponding periods by borrowers on mortgage loans made through national farm loan associations. The Secretary of the Treasury shall pay each Federal land bank, as soon as practicable after October 1, 1933, and after the end of each quarter thereafter, such amount as the Land Bank Commissioner certifies to the Secretary of the Treasury is equal to the amount by which interest payments on mortgages held by such bank have been reduced, during the preceding quarter, by reason of this paragraph: but in any case in which the Land Bank Commissioner finds that the amount of interest payable by such bank during any quarter has been reduced by reason of the refinancing of bonds under section 32 of this Act, the amount of the reduction so found shall be deducted from the amount payable to such bank under this paragraph. No payments shall be made to a bank with respect to any period after June 30, 1942. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$15,000,000 for the purpose of enabling the Secretary of the Treasury to make payments to Federal land banks which accrue during the fiscal year ending June 30, 1934, and such additional amounts as may be necessary to make payments accruing during subsequent

^{*}See Ex. Or. 6084, p. 254, this volume.

fiscal years. (July 17, 1916, sec. 12, 39 Stat. 370; Apr. 20, 1920, sec. 4, 41 Stat. 570; Mar. 4, 1923, secs. 306, 307, 42 Stat. 1476; Mar. 4, 1933, sec. 2, 47 Stat. 1547; May 12, 1933, secs. 24, 25, 41, 48 Stat. 43, 44, 51; June 16, 1933, secs. 73, 74, 80 (a), 48 Stat. 271, 273; June 3, 1935, secs. 3, 18, 22, 49 Stat. 314, 319; June 24, 1936, 49 Stat. 1912; July 22, 1937, sec. 1, 50 Stat. 521; Aug. 19, 1937, secs. 5 (a), 12, 50 Stat. 704, 708; June 16, 1938, sec. 1, 52 Stat. 709; June 29, 1940, sec. 1, 54 Stat. 684; 12 U. S. C., sec. 771.)

638-77. Loans to be in current funds, bonds of corporation, or farm loan bonds.—Amounts transmitted to farm loan associations by Federal land banks to be loaned to its members shall, at the option of the bank, be in current funds or Federal Farm Mortgage Corporation bonds, or, at the option of the borrower, in farm loan bonds. (July 17, 1916, sec. 12, 39 Stat. 370; Jan. 31, 1934, sec. 7, 48 Stat. 346; 12

U. S. C., sec. 772.)

638-78. Mortgages on farm lands under United States reclamation projects.—That the term "first mortgage," as used in section 12 of the Federal Farm Loan Act, approved July 17, 1916, shall be construed to include mortgages on farm lands under United States reclamation projects, notwithstanding there may be against such lands a reserved or created lien in favor of the United States for construction or other charges as provided in the Act of June 17, 1902, and Acts amendatory thereof and supplementary thereto, known as the reclamation law: Provided, That such lands are otherwise eligible for loans under the Federal Farm Loan Act: And provided further, That the amount and date of maturity of such lien shall be given due consideration in fixing the value of such lands for loan purposes. (May 15, 1922, sec. 3, 42 Stat. 542; 12 U. S. C., sec. 773.)

638-79. Loans on lands in drainage, irrigation, or conservancy districts.—That the Farm Credit Administration, the Federal Farm Mortgage Corporation, the Federal land banks, the Land Bank Commissioner, and any lending or financing agency established by or under the Farm Credit Act of 1933, as amended, or the Federal Farm Loan Act, as amended, are authorized to make loans or acquire mortgages on lands in any drainage, irrigation, or conservancy district, notwithstanding the existence of any prior lien or charge arising out of an assessment for special benefits made by such district, in any case where (1) such land is otherwise eligible for a loan, (2) such assessment is payable over a period of years, and (3) reasonable security exists for the repayment of the loan, taking into consideration all facts and values, including the term and size of the loan, the integrity of the applicant, and the increased earning capacity of the lands arising from the improvements or benefits in respect of which the assessment was made. (June 4, 1936, 49 Stat. 1461; 12 U. S. C., sec. 773a.)

638-80. Powers of Federal land banks; enumerated powers.—That every Federal land bank shall have power, subject to the limitations and

requirements of this Act-

First. To issue, subject to the approval of the Federal Farm Loan Board [now Farm Credit Administration]*, and to sell farm loan bonds of the kinds authorized in this Act, to buy the same for its own account, and to retire the same at or before maturity.

^{*}See Ex. Or. 6084, p. 254, this volume.

Second. To invest such funds as may be in its possession in the purchase of qualified first mortgages on farm lands situated within the farm credit district within which it is organized or for which it is acting. In order to reduce and/or refinance farm mortgages, to invest such funds as may be in its possession in the purchase of first mortgages on farm lands situated within the farm credit district within which it is organized or for which it is acting, or to exchange farm-loan bonds for any duly recorded first mortgages on farm lands executed prior to the date this paragraph, as amended, takes effect, at a price which shall not exceed in each individual case the amount of the unpaid principal of the mortgage on the date of such purchase or exchange, or 50 per centum of the normal value of the land mortgaged and 20 per centum of the value of the permanent insured improvements thereon as determined upon an appraisal made pursuant to this Act, whichever is the smaller: Provided, That any mortgagor whose mortgage is acquired by a Federal land bank under this paragraph shall be entitled to have his farm-mortgage indebtedness refinanced in accordance with the provisions of sections 7 and 8 of this Act on the basis of the amount paid by the bank for his mort-

Third. To receive and to deposit in trust with the farm loan registrar for the district, to be by him held as collateral security for farm loan bonds, first mortgages upon farm land qualified under section 12 of this Act, and to empower national farm loan associations, or duly authorized agents, to collect and immediately pay over to said land banks the dues, interest, amortization installments and other sums payable under the terms, conditions, and covenants of the

mortgages and of the bonds secured thereby.

Fourth. To acquire and dispose of-

(a) Such property, real or personal, as may be necessary or convenient for the transaction of its business, which, however, may be in

part leased to others for revenue purposes.

(b) Parcels of land acquired in satisfaction of debts or purchased at sales under judgments, decrees, or mortgages held by it. But no such bank shall hold title and possession of any real estate purchased or acquired to secure any debt due to it, for a longer period than five years, except with the special approval of the Federal Farm Loan Board [now Farm Credit Administration] * in writing. Every such bank may carry real estate as an asset, for a period of not exceeding five years, at its normal value but not to exceed the amount of the bank's investment therein at the time of acquirement of such real estate.

Fifth. To deposit its securities and its current funds subject to check, with any member bank of the Federal Reserve System, and

to receive interest on the same as may be agreed.

Sixth. To accept deposits of securities or of current funds from national farm loan associations holding its shares, but to pay no interest on such deposits.

Seventh. To borrow money, to give security therefor, and to pay

nterest thereon.

Eighth. To buy and sell United States bonds and Federal Farm Mortgage Corporation bonds.

^{*}See Ex. Or. 6084, p. 254, this volume.

Ninth. To charge applicants for loans and borrowers, under rules and regulations promulgated by the Federal Farm Loan Board [now Farm Credit Administration]*, reasonable fees not exceeding the actual cost of appraisal and determination of title. Legal fees and recording charges imposed by law in the State where the land to be mortgaged is located may also be included in the preliminary costs of negotiating mortgage loans. The borrower may pay such fees and charges or he may arrange with the Federal land bank making the loan to advance the same, in which case said expenses shall be made a part of the face of the loan and paid off in amortization payments. Such addition to the loan shall not be permitted to increase

said loan above the limitations provided in section twelve.

Tenth. When in the judgment of the directors conditions justify it, to extend, in whole or in part, any obligation that may be or become unpaid under the terms of any mortgage, and to accept payment of any such obligation during a period of five years or less from the date of such extension in such amounts as may be agreed upon at the date of making such extension. The sum of \$25,000,000 of the amount authorized to be appropriated under section 5 of this Act, as amended, shall be used exclusively for the purpose of supplying any bank with funds to use in its operations in place of any amounts of which such bank may be deprived by reason of extensions made as provided in this paragraph. The terms of any such extension shall be such as will not defer the collection of any obligation due by any borrower which, after investigation by the bank of the situation of such borrower, is shown to be within his capacity to meet. In the case of any such extension, or in the case of any deferment of principal as provided in paragraph "Twelfth" of section 12 of this Act, it shall be the duty of the Secretary of the Treasury, on behalf of the United States, upon the request of the Federal land bank making the extension, and with the approval of the Land Bank Commissioner, to subscribe at such periods as the Commissioner shall determine, to the paid-in surplus of such bank an amount equal to the amount of all such extensions and deferments made by the bank during the preceding period. Such subscriptions shall be subject to call, in whole or in part, by the bank with the approval of the Commissioner upon thirty days' notice. To enable the Secretary of the Treasury to make such subscriptions to the paid-in surplus of the Federal land banks, there is hereby authorized to be appropriated the sum of \$50,000,000, to be immediately available and remain available until expended. Upon payment to any Federal land bank of the amount of any such subscription, such bank shall execute and deliver a receipt therefor to the Secretary of the Treasury in form to be prescribed by the Land Bank Commissioner. The amount of any subscriptions to the paid-in surplus of any such bank may be repaid in whole or in part at any time in the discretion of the bank and with the approval of the Land Bank Commissioner, and the Commissioner may at any time require such subscriptions to be repaid in whole or in part if in his opinion the bank has resources available therefor. The unexpended balances of the funds appropriated by the Fourth Deficiency Act, fiscal year 1933, approved June 16, 1933 (48 Stat. 279), the Emergency Appropriation Act, fiscal year 1935, approved June 19, 1934 (48 Stat. 1060), the Second Deficiency Appropriation Act, fiscal year 1935, approved

August 12, 1935 (49 Stat. 592), the First Deficiency Appropriation Act, fiscal year 1936, approved June 22, 1936, the Treasury Department Appropriation Act, 1937, approved June 23, 1936, and the Treasury Department Appropriation Act, 1938, approved May 14, 1937, for the purpose of enabling the Secretary of the Treasury to make subscriptions to the paid-in surplus of the Federal land banks, as provided for in this paragraph, and the proceeds of all repayments on account of such paid-in surplus, shall be held in the Treasury of the United States as a revolving fund and shall be available for subscriptions to paid-in surplus made pursuant to this paragraph, as amended.

Eleventh. At any time within five years after the date this paragraph takes effect, any borrower who has obtained a loan from a Federal land bank may on application to such Federal land bank and upon approval of such application by the directors of the bank postpone the payment of any unpaid installment or installments in the manner herein provided in this section. Such postponed payment shall be made by paying at the time each succeeding annual installment is due, one-tenth of the amount of the postponed payment, and, in the case of semiannual installments, by paying at the time each succeeding semiannual installment is due, one-twentieth of the postponed payment, until the amount of such postponed payment has been In any case in which the number of remaining installments due on the mortgage is less than ten, in the case of annual installments, or less than twenty, in the case of semiannual installments, the amount of the postponed payment shall be distributed proportionately over the remaining number of installment payments.

Twelfth. For the period of five years after the date this paragraph takes effect, every borrower shall pay simple interest on extended payments at the same rate of interest as stipulated in the mortgage securing the loan as to payments not in default and by express covenant in his mortgage deed shall undertake to pay when due all taxes, liens, judgments, or assessments which may be lawfully assessed against the land mortgaged. Taxes, liens, judgments, or assessments not paid when due, and paid by the mortgagee, shall become a part of the mortgage debt and shall bear interest at the rate provided in the mortgage.

Thirteenth. When in the judgment of the directors conditions justify it, and with the approval of the Federal Farm Loan Board Inow Farm Credit Administration]*, to reamortize, in whole or in part, the aggregate amount remaining unpaid under the terms of any mortgage, and to accept payment of such aggregate amount on an amortization plan by means of a fixed number of annual or semiannual installments sufficient to cover the interest payable on the mortgage, and in addition thereto such amounts to be applied upon the principal as will extinguish the debt within an agreed period of not more than forty years from the date of the reamortization; to deposit such mortgages with the farm loan registrar as collateral security for farm loan bonds at an amount not exceeding the principal of the original loan remaining unpaid at the date of such amortization; and with the approval of the Federal Farm Loan Board [now Farm Credit Administration]* to charge the borrower an amount not to exceed the actual cost incurred in connection with such reamortization.

^{*}See Ex. Or. 6084, p. 254, this volume.

Fourteenth. To enter into agreements with national farm-loan associations of the district under the terms of which losses incurred and gains realized on account of the disposition of lands covered by a defaulted mortgage indorsed by such association will be shared equally by the bank and the association.

Fifteenth. To exchange farm loan bonds for Federal Farm Mort-

gage Corporation bonds of equal face value.

Sixteenth. To exchange Federal Farm Mortgage Corporation bonds

for farm loan bonds of equal face value.

Seventeenth. To make loans to other Federal land banks upon such terms and conditions as may be approved by the Farm Credit Administration

Eighteenth. To accept conditional payments from borrowers for subsequent credit upon their indebtedness to the land bank; and to allow interest on such payments. All conditional payments so accepted shall be subject to such terms and conditions, not inconsistent with the provisions of this paragraph and with any rules or regulations prescribed for its efficient execution by the Farm Credit Administration, as may be agreed upon at the time of their acceptance. If a conditional payment is accepted for subsequent credit upon a first mortgage which is at the time or is thereafter pledged as collateral security for an issue of farm-loan bonds, all requirements, conditions, and limitations set forth in the seventh, eighth, and ninth paragraphs of section 22 of this Act, as amended, shall apply to such payment the same as though it were a present payment on the principal of the mortgage pledged as collateral security, and the land bank shall forthwith notify the farm loan registrar of its receipt of such payment and account to him therefor. Every conditional payment accepted by a land bank for subsequent credit upon indebtedness of a borrower shall be credited upon such indebtedness as the borrower may from time to time direct in accordance with the terms and conditions upon which the payment has been accepted, and at the option of the bank may in any event be credited upon such indebtedness as and when it matures if it is not otherwise paid by the borrower at or before maturity. at any time after five years from the date on which a borrower's loan was made, the aggregate of the borrower's conditional payments accepted on account of his indebtedness under such loan and not yet credited thereon equals or exceeds his total indebtedness under the loan, all unmatured indebtedness under such loan shall become due and payable at once, and the payments so accepted shall forthwith be credited upon the borrower's indebtedness under the loan so far as may be necessary to pay it in full. Any balances of conditional payments remaining uncredited when the indebtedness on account of which they have been accepted has been paid in full shall be refunded to the borrower by the land bank. (July 17, 1916, sec. 13, 39 Stat. 372; Jan. 23, 1932, sec. 5, 47 Stat. 14; Mar. 4, 1933, secs. 3, 4, 47 Stat. 1548; May 12, 1933, secs. 22, 23, 48 Stat. 42, 43; June 16 16, 1933, secs. 79, 80 (a), 48 Stat. 272, 273; Jan. 31, 1934, sec. 8 (a), 48 Stat. 347; Aug. 19, 1937, secs. 5 (a), 15 (a) and (b), 16, 17, 19, 50 Stat. 704, 708, 709; 12 U.S.C., sec. 781.)

638-81. Restrictions on Federal land banks; enumeration of restric-

tions.—That no Federal land bank shall have power—

First. To accept deposits of current funds payable upon demand except from its own stockholders, or to transaction any banking or other business not expressly authorized by the provisions of this Act.

Second. To loan on first mortgage except through national farmloan associations as provided in section 7 and section 8 of this Act, or through agents as provided in section 15, or direct to borrowers as provided in section 7.

Third. To accept any mortgages on real estate except first mortgages created subject to all limitations imposed by section twelve of this Act,

and those taken as additional security for existing loans.

Fourth. To issue or obligate itself for outstanding farm loan bonds (including consolidated bonds issued on its behalf) in excess of twenty, times the amount of its capital and surplus, or to receive from any national farm loan association additional mortgages when the principal remaining unpaid upon mortgages already received from such association shall exceed twenty times the amount of its capital stock owned by such association.

Fifth. To demand or receive, under any form or pretense, any com-

mission or charge not specifically authorized in this Act.

Sixth. To accept as additional security for any loan to any borrower under this Act, or any installment on any such loan, any personal property which is exempt from execution upon judgment under the laws of the State in which the land with respect to which the mortgage is given is situated. (July 17, 1916, sec. 14, 39 Stat. 372; Mar. 4, 1933, sec. 5(a) and (b), 47 Stat. 1549; June 16, 1933, secs. 71, 75(a), 48 Stat.

271; 12 U. S. C., sec. 791.)

638-82. Loans by Federal land banks through agents; when authorized.—That whenever, after this Act shall have been in effect one year, it shall appear to the Federal Farm Loan Board [now Farm Credit Administration]* that national farm loan associations have not been formed, and are not likely to be formed, in any locality, because of peculiar local conditions, said board [now administration]* may, in its discretion, authorize Federal land banks to make loans on farm lands through agents approved by said board [now administration].* (July 17, 1916, sec. 15, 39 Stat. 373; 12 U. S. C., sec. 801.)

638-83. Manner of making.—Such loans shall be subject to the same conditions and restrictions as if the same were made through national farm loan associations, and each borrower shall contribute five per centum of the amount of his loan to the capital of the Federal land bank, and shall become the owner of as much capital stock of the land bank as such contribution shall warrant. (July 17, 1916, sec. 15, 39

Stat. 373; 12 U.S. C., sec. 802.)

638-84. Who may be employed as agent.—No agent other than a duly incorporated bank, trust company, mortgage company, or savings institution, chartered by the State in which it has its principal office, shall be employed under the provisions of this section. (July 17, 1916,

sec. 15, 39 Stat. 373; 12 U. S. C., sec. 803.)

638-85. Expenses of and commissions to agents.—Federal land banks may pay to such agents the actual expense of appraising the land offered as security for a loan, examining and certifying the title thereof, and making, executing, and recording the mortgage papers; and in addition may allow said agents not to exceed one-half of one

^{*}See Ex. Or. 6084, p. 254, this volume.

per centum per annum upon the unpaid principal of said loan, such commission to be deducted from dividends payable to the borrower on his stock in the Federal land bank. (July 17, 1916, sec. 15, 39 Stat. 373; 12 U. S. C., sec. 804.)

638-86. Expenses of agents added to loans.-Actual expenses paid to agents under the provisions of this section shall be added to the face of the loan and paid off in amortization payments subject to the limitations provided in subsection ninth of section thirteen of this Act.

(July 17, 1916, sec. 15, 39 Stat. 373; 12 U.S. C., sec. 805.)

638-87. Collection of loan payments.—Said agents, when required by the Federal land banks, shall collect and forward to such banks without charge all interest and amortization payments on loans indorsed by them. (July 17, 1916, sec. 15, 39 Stat. 373; 12 U. S. C., sec. 806.)

638-88. Indorsement of loans; liability thereon.—Any agent negotiating any such loan shall indorse the same and become liable for the payment thereof, and for any default by the mortgagor, on the same terms and under the same penalties as if the loan had been originally made by said agent as principal and sold by said agent to said land bank, but the aggregate of the unpaid principal of mortgage loans received from any such agent shall not exceed ten times its capital and surplus. (July 17, 1916, sec. 15, 39 Stat. 373; 12 U. S. C., sec. 807.)

638-89. When loans to cease.—If at any time the district represented by any agent under the provisions of this section shall, in the judgment of the Federal Farm Loan Board [now Farm Credit Administration]*, be adequately served by national farm loan associations, no further loans shall be negotiated therein by agents under this section. (July 17, 1916, sec. 15, 39 Stat. 373; 12 U.S. C., sec. 808.)

638-90. Joint stock land banks; restriction against making loans or issuing bonds after May 12, 1933.—After the date of enactment of this Act, no joint-stock land bank shall issue any tax-exempt bonds or make any farm loans except such as are necessary and incidental to the refinancing of existing loans or bond issues or to the sale of any real estate now owned or hereafter acquired by such bank. (May 12,

1933, sec. 29, 48 Stat. 46; 12 U. S. C., sec. 810.)

638-91. Organization; directors.—That corporations, to be known as joint stock land banks, for carrying on the business of lending on farm mortgage security and issuing farm loan bonds, may be formed by any number of natural persons not less than ten. They shall be organized subject to the requirements and under the conditions set forth in section four of this Act, so far as the same may be applicable: Provided, That the board of directors of every joint stock land bank shall consist of not less than five members. (July 17, 1916, sec. 16, 39 Stat. 374; 12 U.S.C., sec. 811.)

638-92. Individual liability of shareholders.—Shareholders of every joint stock land bank organized under this Act shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such bank to the extent of the amount of stock owned by them at the par value thereof, in addition to the amount paid in and represented by their shares. (July 17, 1916, sec. 16, 39 Stat. 374; 12 U. S. C., sec. 812.)

638-93. Powers, duties, and liabilities; stock.—Except as otherwise provided, joint stock land banks shall have the powers of, and be subject to all the restrictions and conditions imposed on, Federal

land banks by this Act, so far as such restrictions and conditions are applicable: *Provided*, *however*, That the Government of the United States shall not purchase or subscribe for any of the capital stock of any such bank; and each shareholder of any such bank shall have the same voting privileges as holders of shares in national banking associations. (July 17, 1916, sec. 16, 39 Stat. 374; 12 U. S. C., sec. 813.)

638-94. Limitation on amount of issue of bonds; transacting unauthorized business.—No joint stock land bank shall have power to issue or obligate itself for outstanding farm loan bonds in excess of fifteen times the amount of its capital and surplus, or to receive deposits or to transact any banking or other business not expressly authorized by the provisions of this Act. (July 17, 1916, sec. 16, 39 Stat. 374;

12 U. S. C., sec. 813.)

638-95. Minimum capital stock.—No joint stock land bank shall be authorized to do business until capital stock to the amount of at least \$250,000 has been subscribed, one-half thereof paid in cash and the balance subject to call by the board of directors, and a charter has been issued to it by the Federal Farm Loan Board [now Farm Credit Administration]*. (July 17, 1916, sec. 16, 39 Stat. 374; 12 U. S. C., sec. 815.)

638-96. Issuing bonds before payment of stock.—No joint stock land bank shall issue any bonds until after the capital stock is entirely paid up. (July 17, 1916, sec. 16, 39 Stat. 374; 12 U. S. C., sec. 816.)

638-97. Form of bonds.—Farm loan bonds issued by joint stock land banks shall be so engraved as to be readily distinguished in form and color from farm loan bonds issued by Federal land banks, and shall otherwise bear such distinguishing marks as the Federal Farm Loan Board [now Farm Credit Administration]* shall direct. (July

17, 1916, sec. 16, 39 Stat. 374; 12 U. S. C., sec. 817.)

638–98. Interest rates; restrictions on mortgage leans.—Joint stock land banks shall not be subject to the provisions of subsection (b) of section seventeen of this Act as to interest rates on mortgage leans or farm lean bends, nor to the provisions of subsections first, fourth, sixth, seventh, and tenth of section twelve as to restrictions on mortgage leans: Provided, however, That no leans shall be made which are not secured by first mortgages on farm lands within the State in which such joint stock land bank has its principal office, or within some one State contiguous to such State, except as hereinafter provided. Such joint stock land banks shall be subject to all other restrictions on mortgage leans imposed on Federal land banks in section twelve of this Act. (July 17, 1916, sec. 16, 39 Stat. 374; Mar. 4, 1931, sec. 1, 46 Stat. 1548; 12 U. S. C., sec. 818.)

638-99. Limitation on interest rates.—Joint stock land banks shall in no case charge a rate of interest on farm loans exceeding by more than one per centum the rate of interest established for the last series of farm loan bonds issued by them. (July 17, 1916, sec. 16, 39 Stat.

374; 12 U. S. C., sec. 819.)

638-100. Unauthorized commissions or charges.—Joint stock land banks shall in no case demand or receive, under any form or pretense, any commission or charge not specifically authorized in this Act. (July 17, 1916, sec. 16, 39 Stat. 374; 12 U. S. C., sec. 820.)

^{*}See Ex. Or. 6084, p. 254, this volume.

638-101. Bonds: form and contents.- Each joint stock land bank organized under this Act shall have authority to issue bonds based upon mortgages taken by it in accordance with the terms of this Act. Such bonds shall be in form prescribed by the Federal Farm Loan Board [now Farm Credit Administration]*, and it shall be stated in such bonds that such bank is organized under section sixteen of this Act, is under Federal supervision, and operates under the provisions of this Act. (July 17, 1916, sec. 16, 39 Stat. 374; 12

U. S. C., sec. 821.) 638-102. Voluntary liquidation.—Any joint stock land bank organized and doing business under the provisions of this Act may go into voluntary liquidation by making provision, to be approved by the Federal Farm Loan Board [now Farm Credit Administration]*, for the payment of its liabilities: Provided, That such method of liquidation shall have been duly authorized by a vote of at least two-thirds of the shareholders of such joint-stock land bank at a regular meeting, or at a special meeting called for that purpose, of which at least ten days' notice in writing shall have been given to stockholder. (July 17, 1916, sec. 16, 39 Stat. 374; May 29, 1920, 41 Stat. 691; 12 U. S. C., sec. 822.)

638-103. Assets of liquidating bank; purchase by Federal or joint stock land bank; assumption of liabilities.—For the purpose of assisting in any such liquidation authorized as in the preceding paragraph provided, any Federal land bank or joint-stock land bank may, with the approval of the Federal Farm Loan Board [now Farm Credit Administration]*, acquire the assets and assume the liabilities of any joint-stock land bank, and in such transaction any Federal land bank may waive the provisions of this Act requiring such bank to acquire its loans only through national farm loan associations or agents, and those relating to status of borrower, purposes of loan, and also the limitation as to the amount of individual loans. No Federal land bank shall assume the obligations of any joint-stock land bank in such manner as to make its outstanding obligations more than twenty times its capital stock except by creation of a special reserve equal to one-twentieth of the amount of such additional obligations assumed. No joint-stock land bank shall assume the obligations of any other joint-stock land bank in such manner as to make its outstanding obligations more than fifteen times the amount of its capital and surplus, except by creation of a special reserve equal to one-fifteenth of the amount of such additional obligations assumed. (July 17, 1916, sec. 16, 39 Stat. 374; May 29, 1920, 41 Stat. 691; Mar. 4, 1925, sec. 5, 43 Stat. 1263; 12 U. S. C., sec. 823.)

Loans to joint stock land banks to provide for orderly liquidation .- (a) The Reconstruction Finance Corporation is authorized and directed to make available to the Land Bank Commissioner, out of the funds of the Corporation, the sum of \$100,000,000, to be used, for a period not exceeding four years from the date of enactment of this Act, for the purpose of making loans to the joint-stock land banks organized and doing business under the Federal Farm Loan Act, as amended, at a rate of interest not to exceed 4 percentum per annum, payable annually. Such loans shall be made upon application therefor by such banks and upon compliance with the requirements of this section. The amount which may be loaned hereunder to any such bank shall not exceed an amount having the same proportion to the said \$100,000,000 as the unpaid principal of the mortgages held by such bank on the date of

^{*}See Ex. Or. 6084, p. 254, this volume.

enactment of this Act bears to the total amount of the unpaid principal of

the mortgages held by all the joint-stock land banks on such date.

(b) Any joint-stock land bank applying for a loan under this section shall deliver to the Land Bank Commissioner as collateral security therefor first mortgages or purchase-money mortgages on farm lands, first mortgages on farm real estate owned by the bank in fee simple, or such other collateral as may be available to said bank, including sales contracts and sheriff's certificates on farm lands. The real estate upon which such collateral is based shall be appraised by appraisers appointed under the Federal Farm Loan Act, as amended, and the borrowing bank shall be entitled to borrow not to exceed 60 per centum of the normal value of such real estate as determined by such appraisal. Fees for such appraisals shall be paid by the applicant banks in such amounts as may be fixed by the Land Bank Commissioner. No such loan shall be made until the applicant bank, under regulations to be prescribed by the Land Bank Commissioner, (1) shall have agreed to grant to each borrower then indebted to the bank under the terms of a first mortgage a reduction to 5 per centum per annum in the rate of interest specified in such mortgage, beginning at his next regular installment date, and (2) shall have agreed to the satisfaction of the Commissioner that during a period of two years from the date of the enactment of the Farm Credit Act of 1935 the bank will not proceed against the mortgagor on account of default in the payment of interest or principal due under the terms of its mortgage and will not foreclose its mortgage unless the property covered by such mortgage is abandoned by the mortgagor or unless, in the opinion of the Commissioner, such foreclosure is necessary for other reasons. Such loans shall be made to aid the orderly liquidation of any such bank in accordance with such plan as may be approved by the Land Bank Commissioner. Before any such plan is approved by the Commissioner he shall be satisfied that the plan carries out the purposes of this section and that such part of the proceeds of the loan as is devoted to settlements with bondholders will be used only to effect an equitable settlement with all bondholders. After the plan has been approved by the Commissioner he shall require the bank to mail a copy thereof to all its known bondholders and to publish a notice setting forth its provisions in at least three newspapers having general circulation. (May 12, 1933, sec. 30, 48 Stat. 46; June 16, 1933, sec. 80 (a), 49 Stat. 273; June 3, 1935, sec. 16, 49 Stat. 318; 12 U. S. C., sec. 823.) [Historical note.]

Loans by the Land Bank Commissioner to Joint Stock Land Banks for Emergency Purposes .- (a) The Federal Farm Mortgage Corporation is authorized and directed to make available to the Land Bank Commissioner until July 1. 1938, out of the funds of the Corporation, the sum of \$2,000,000, to be used for the purpose of making loans to the joint-stock land banks organized and doing business under the Federal Farm Loan Act, as amended. Loans made by the Land Bank Commissioner under this section shall be made in the name and on behalf of the Corporation and shall bear interest at a rate not to exceed 4 per centum per annum. No loan shall be made under this section to any joint-stock land bank except for the purpose of obtaining, for a period of one year from the date on which the loan is made, postponement of the foreclosure of first mortgages held by such bank on account of (1) default in the payment of interest and principal due under the terms of the mortgage, and (2) unpaid delinquent taxes, excluding interest and penalties, which may be secured by the lien of said mortgage: Provided, That during the period of postponement of foreclosure such bank shall charge the mortgagor interest at a rate not exceeding 4 per centum per annum on the aggregate amount of such delinquent taxes and defaulted interest and principal with respect to which loans are made pursuant to this section. The amount loaned to any joint-stock land bank under this section shall be made without reappraisal: Provided, That the amount loaned with respect to any mortgage on account of unpaid principal shall not exceed 5 per centum of the total unpaid principal of such mortgage, and the total amount loaned to any such land bank with respect to any mort-gage shall not exceed 25 per centum of the total unpaid principal of such

mortgage.

(b) No such loan shall be made with respect to any mortgage unless the Land Bank Commissioner is satisfied that the mortgagor, after exercising ordinary diligence to pay his accrued delinquent taxes, and meet accrued interest and principal payments, has defaulted thereon; and unless the bank shall have agreed to the satisfaction of the Land Bank Commissioner that during the

period of postponement the bank will not foreclose such mortgage unless the property covered thereby is abandoned by the mortgagor or unless in the opinion of the Land Bank Commissioner such foreclosure is necessary for

other reasons.

(c) Each such loan shall be secured by an assignment to the Land Bank Commissioner of the lien of the taxes and/or of the bank's mortgage with respect to which the loan is made: Provided, That the part of each such lien so assigned representing the interest and principal due and unpaid in any such mortgage which has been assigned to the farm loan registrar shall be subordinate to the existing lien of the bank for the balance of the indebtedness then or thereafter to become due under the terms of such mortgage; but the Land Bank Commissioner may require the bank to furnish additional collateral as security for such loan, if such collateral is available to the bank.

(d) The Land Bank Commissioner is authorized to make such rules and regulations as may be necessary to carry out the purposes of this section and to make the relief contemplated immediately available. (May 12, 1933, sec. 31, 48 Stat. 47; June 16, 1933, sec. 80 (a), 48 Stat. 273; June 3, 1935, sec. 17 (a), (b), 49 Stat. 318; Aug. 19, 1937, sec. 3, 50 Stat. 703; 12 U. S. C., sec. 823.)

[Historical note.]

638-104. Insolvency; receivership; acquisition of assets by other banks. loans by acquiring bank in additional States.-In any case where a jointstock land bank has been, or may be, declared insolvent and placed in the hands of a receiver by the Federal Farm Loan Board [now Farm Credit Administration]*, any Federal land bank or joint-stock land bank may, in the manner as may be prescribed by the Federal Farm Loan Board [now Farm Credit Administration]* and with the approval of the Federal Farm Loan Board [now Farm Credit Administration]*, acquire the assets and assume the liabilities of said joint stock land bank in the hands of a receiver. Any joint-stock land bank which has acquired or may hereafter acquire the assets and which has assumed or may hereafter assume the liabilities of another joint-stock land bank may, if authorized by the Federal Farm Loan Board [now Farm Credit Administration]*, make loans secured by first mortgages on farm lands within the States in which the other joint-stock land bank was authorized to make loans at the time of such acquisition, and the acquiring bank may, with the approval of the Federal Farm Loan Board [now Farm Credit Administration]*, continue to make loans in the States where it was authorized to make loans at the time of such acquisition: Provided, however, That the acquiring bank shall not be authorized to make loans at any one time in more than five States, of which one shall be the State in which the bank has its principal office, one shall be contiguous to such State, the other shall be the States in which the acquired joint-stock land banks were authorized to make loans at the time of such acquisition, and all of said five States shall be situated in contiguous territory. (July 17, 1916, sec. 16, 39 Stat. 374; Mar. 4, 1931, sec. 2, 46 Stat. 1548; 12 U. S. C., sec. 824.)

638-105. Powers of Farm Credit Administration; enumeration.—That the Federal Farm Loan Board [now Farm Credit Administration]*

shall have power—

(a) To organize and charter Federal land banks, and to charter national farm loan associations and joint-stock land banks subject to the provisions of this Act, and in its discretion to authorize them to increase their capital stock.

(b) To review and alter at its discretion the rate of interest to be charged by Federal land banks for loans made by them under the provisions of this Act, said rates to be uniform so far as practicable.

^{*}See Ex. Or. 6084, p. 254, this volume.

(c) To grant or refuse to Federal land banks, or joint-stock land

banks, authority to make any specific issue of farm loan bonds.

(d) To make rules and regulations respecting the charges made to borrowers on loans under this Act for expenses in appraisal, determination of title, and recording.

(e) To require reports and statements of condition and to make examinations of all banks or associations doing business under the pro-

visions of this Act.

(f) To prescribe the form and terms of farm loan bonds, and the form, terms, and penal sums of all surety bonds required under this Act and of such other surety bonds as they shall deem necessary, such surety bonds to cover financial loss as well as faithful performance of duty.

(g) To require Federal land banks to pay forthwith to any Federal land bank their equitable proportion of any sums advanced by said land bank to pay the coupons of any other land bank, basing said required payments on the amount of farm loan bonds issued by each land bank and actually outstanding at the time of such requirement.

(h) To suspend or to remove for cause any district director or director at large, or any registrar, appraiser, examiner, or other official appointed by the Farm Credit Administration under authority of section 3 of this Act, as amended, the cause of such suspension or removal to be communicated forthwith in writing by said Administration to the person suspended or removed, and in case of a district director or director at large to the proper Federal land bank, Federal intermediate credit bank, production credit corporation and regional bank for cooperatives.

(i) To exercise general supervisory authority over the Federal land banks, the national farm loan associations, and the joint-stock land

banks herein provided for.

(j) To exercise such incidental powers as shall be necessary or requisite to fulfill its duties and carry out the purposes of this Act. (July 17, 1916, sec. 17, 39 Stat. 375; Aug. 19, 1937, sec. 9, 50 Stat.

707; 12 U. S. C., sec. 831.)

638-106. Applications for farm loan bonds; to whom made; collateral security; schedule.—That any Federal land bank, or joint stock land bank, which shall have voted to issue farm loan bonds under this Act, shall make written application to the Federal Farm Loan Board [now Farm Credit Administration]*, through the farm loan registrar of the district, for approval of such issue. With said application said land bank shall tender to said farm loan registrar as collateral security first mortgages on farm lands qualified under the provisions of section twelve, section fifteen, or section sixteen of this Act, or United States Government bonds, not less in aggregate amount than the sum of the bonds proposed to be issued. Said bank shall furnish with such mortgages a schedule containing a description thereof and such further information as may be prescribed by the Federal Farm Loan Board [now Farm Credit Administration]*. (July 17, 1916, sec. 18, 39 Stat. 375; 12 U. S. C., sec. 841.)

638-107. Verification of schedule; investigation and appraisal of securities tendered; decision as to application.—Upon receipt of such application said farm loan registrar shall verify said schedule and shall transmit said application and said schedule to the Federal Farm Loan

^{*}See Ex. Or. 6084, p. 254, this volume.

Board [now Farm Credit Administration]*, giving such further information pertaining thereto as he may possess. The Federal Farm Loan Board [now Farm Credit Administration]* shall forthwith cause to be made such investigation and appraisement of the securities tendered as it shall deem wise, and it shall grant in whole or in part, or reject entirely, such application. (July 17, 1916, sec. 18, 39 Stat.

375: 12 U.S.C., sec. 842.)

638-108. Transmission of decisions to land bank and registrar; information to be furnished by registrar.—The Federal Farm Loan Board [now Farm Credit Administration]* shall promptly transmit its decision as to any issue of farm loan bonds to the land bank applying for the same and to the farm loan registrar of the district. Said registrar shall furnish, in writing, such information regarding any issue of farm loan bonds as the Federal Farm Loan Board [now Farm Credit Administration]* may at any time require. (July 17, 1916, sec. 18, 39 Stat. 375; 12 U. S. C., sec. 843.)

638-109. Written approval of issue requisite.—No issue of farm loan bonds shall be authorized unless the Federal Farm Loan Board [now Farm Credit Administration]* shall approve such issue in writing.

(July 17, 1916, sec. 18, 39 Stat. 375; 12 U.S. C., sec. 844.)

638-110. Issue of farm loan bonds; duties of registrar on approval of bond issue.—That whenever any farm loan registrar shall receive from the Federal Farm Loan Board [now Farm Credit Administration]* notice that it has approved any issue of farm loan bonds under the provisions of section eighteen he shall forthwith take such steps as may be necessary, in accordance with the provisions of this Act, to insure the prompt execution of said bonds and the delivery of the same to the land bank applying therefor. (July 17, 1916, sec. 19, 39 Stat. 376; 12 U. S. C., sec. 851.)

638-111. Rejection of application; return of collateral security.—Whenever the Federal Farm Loan Board [now Farm Credit Administration]* shall reject entirely any application for an issue of farm loan bonds, the first mortgages and bonds tendered to the farm loan registrar as collateral security therefor shall be forthwith returned to said land bank by him. (July 17, 1916, sec. 19, 39 Stat. 376; 12

U. S. C., sec. 852.)

638-112. Disposition of collateral security on approval of application.— Whenever the Federal Farm Loan Board [now Farm Credit Administration]* shall approve an issue of farm loan bonds, the farm loan registrar having the custody of the first mortgages and bonds tendered as collateral security for such issue of bonds shall retain in his custody those first mortgages and bonds which are to be held as collateral security, and shall return to the bank owning the same any of said mortgages and bonds which are not to be held by him as collateral security. The land bank which is to issue said farm loan bonds shall transfer to said registrar, by assignment, in trust, all first mortgages and bonds which are to be held by said registrar as collateral security, said assignment providing for the right of redemption at any time by payment as provided in this Act and reserving the right of substitution of other mortgages qualified under sections twelve, fifteen, and sixteen of this Act. Said mortgages and bonds shall be deposited in such deposit vault or bank as the

^{*}See Ex. Or. 6084, p. 254, this volume.

Federal Farm Loan Board [now Farm Credit Administration]* shall approve, subject to the control of said registrar and in his name as trustee for the bank issuing the farm loan bonds and for the prospective holders of said farm loan bonds. (July 17, 1916,

sec. 19, 39 Stat. 376; 12 U.S.C., sec. 853.)

638-113. Mortgages eligible as collateral.—No mortgage shall be accepted by a farm-loan registrar from a land bank as part of an offering to securing farm-loan bonds, either originally or by substitution, except first mortgages made subject to the conditions prescribed in sections 4, 7, 12, 15, and 16: Provided, That such registrar, when authorized and directed to do so by the Federal Farm Loan Board [now Farm Credit Administration]*, shall accept or retain in his custody as collateral, if otherwise eligible under the provisions of such sections, any first mortgage in connection with which the land bank depositing the same has agreed to defer for a period of not more than ten years the collection of the principal portion of maturing installments and to accept payment of the aggregate amount of such principal on an amortization plan by means of a fixed number of annual or semiannual installments sufficient to cover the interest payable thereon and in addition thereto such amounts to be applied on the principal after the expiration of the period of deferment as will extinguish the debt within an agreed period of not more than forty years from the date of such agreement. (July 17, 1916, sec. 19, 39 Stat. 376; Mar. 4, 1933, sec. 6 (a), 47 Stat. 1549; 12 U. S. C., sec. 854.)

638-114. Registrar's duty respecting amount of collateral; United States bonds or cash in lieu of mortgages withdrawn.—It shall be the duty of each farm loan registrar to see that the farm loan bonds delivered by him and outstanding do not exceed the amount of collateral security pledged therefor. Such registrar may, in his discretion, temporarily accept, in place of mortgages withdrawn, United States Government bonds or cash. (July 17, 1916, sec. 19, 39 Stat. 376;

12 U. S. C., sec. 855.)

638-115. Additional security.—The Federal Farm Loan Board [now Farm Credit Administration]* may, at any time, call upon any land bank for additional security to protect the bonds issued by it. (July

17, 1916, sec. 19, 39 Stat. 376; 12 U.S.C., sec. 856.)

638-116. Purchase money mortgages as collateral in lieu of mortgages withdrawn.—Such farm-loan registrar shall also accept purchase money mortgages as collateral security in place of mortgages withdrawn. The banks shall have power to execute all necessary conveyances, transfers, and assignments to carry out this provision. (July 17, 1916, sec. 19, 39 Stat. 376; Mar. 4, 1933, sec. 6 (b), 47 Stat. 1549;

12 U. S. C., sec. 857.)
638-117. Form of farm loan bonds; denominations; minimum and maximum periods; interest coupons; rates of interest.—That bonds provided for in this Act shall be issued in denominations of \$40, \$100, \$500, \$1,000, and such larger denominations as the Federal Farm Loan Board [now Farm Credit Administration]* may authorize; they shall run for specified minimum and maximum periods, subject to payment and retirement, at the option of the land bank, at any time after the minimum period specified in the bonds, which shall not be longer than

^{*}See Ex. Or. 6084, p. 254, this volume.

ten years from the date of their issue. They shall have interest coupons attached, payable semiannually, and shall be issued in series of not less than \$50,000, the amount and terms to be fixed by the Federal Farm Loan Board [now Farm Credit Administration].* They shall bear a rate of interest not to exceed 5½ per centum per annum, but no bonds issued or sold after June 30, 1923, shall bear a rate of interest to exceed 5 per centum per annum. (July 17, 1916, sec. 20, 39 Stat. 377; Apr. 20, 1920, sec. 5, 41 Stat. 571; Mar. 4, 1921, 41 Stat. 1362; Aug. 13, 1921, 42 Stat. 159; 12 U. S. C., sec. 861.)

638-118. Rules and regulations as to payment.—The Federal Farm Loan Board [now Farm Credit Administration]* shall prescribe rules and regulations concerning the circumstances and manner in which farm loan bonds shall be paid and retired under the provisions of this Act. (July 17, 1916, sec. 20, 39 Stat. 377; 12 U. S. C.,

sec. 862.)

638-119. Delivery to bank.—Farm loan bonds shall be delivered through the registrar of the district to the bank applying for the same. (July 17, 1916, sec. 20, 39 Stat. 377: 12 U. S. C., sec. 863.)

me. (July 17, 1916, sec. 20, 39 Stat. 377; 12 U. S. C., sec. 863.) 638-120. Preparation; custody of plates and dies; exchange for registered bonds; reexchange for coupons.—In order to furnish farm loan bonds for delivery at the Federal land banks and joint stock land banks, the Secretary of the Treasury is hereby authorized to prepare suitable bonds in such form, subject to the provisions of this Act, as the Federal Farm Loan Board [now Farm Credit Administration]* may approve, such bonds when prepared to be held in the Treasury subject to delivery upon order of the Federal Farm Loan Board [now Farm Credit Administration]*. The engraved plates, dies, bed-pieces, and so forth, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. Any expenses incurred in the preparation, custody, and delivery of such farm loan bonds shall be paid by the Secretary of the Treasury from any funds in the Treasury not otherwise appropriated: Provided, however, That the Secretary shall be reimbursed for such expenditures by the Federal Farm Loan Board [now Farm Credit Administration]* through assessment upon the farm land banks in proportion to the work executed. They may be exchanged into registered bonds of any amount, and reexchanged into coupon bonds, at the option of the holder, under rules and regulations to be prescribed by the Federal Farm Loan Board [now Farm Credit Administration]*. (July 17, 1916, sec. 20, 39 Stat. 377; 12 U. S. C., sec. 864.) [Effective July 1, 1935, the permanent appropriation provided for in this section was repealed by Act of June 26, 1934, sec. 1, 48 Stat. 1224.]

638-121. Special provisions; land banks as bound by acts of officers and Farm Credit Administration in issue of bonds.—That each land bank shall be bound in all respects by the acts of its officers in signing and issuing farm loan bonds, and by the acts of the Federal Farm Loan Board [now Farm Credit Administration]* in authorizing their issue. (July 17, 1916, sec. 21, 39 Stat. 377; 12 U. S. C., sec. 871.)

638-122. Liability of each Federal land bank for bonds issued by it and by other Federal land banks.—Every Federal land bank issuing farm loan bonds shall be primarily liable therefor, and shall also be liable,

^{*}See Ex. Or. 6084, p. 254, this volume.

upon presentation of farm loan bond coupons, for interest payments due upon any farm loan bonds issued by other Federal land banks and remaining unpaid in consequence of the default of such other land banks; and every such bank shall likewise be liable for such portion of the principal of farm loan bonds so issued as shall not be paid after the assets of any such other land banks shall have been liquidated and distributed: *Provided*, That such losses, if any, either of interest or of principal, shall be assessed by the Federal Farm Loan Board [now Farm Credit Administration]* against solvent land banks liable therefor in proportion to the amount of farm loan bonds which each may have outstanding at the time of such assessment. (July 17, 1916, sec. 21, 39 Stat. 377; 12 U. S. C., sec. 872.)

638-123. Federal land banks; action of directors respecting bond liability.—Every Federal land bank shall by appropriate action of its board of directors, duly recorded in its minutes, obligate itself to become liable on farm loan bonds as provided in this section. (July

17, 1916, sec. 21, 39 Stat. 377; 12 U. S. C., sec. 873.)

638-124. Signing and attesting bonds; certificate of Land Bank Commissioner.—Every farm-loan bond issued by a Federal land bank shall be signed by its president or vice president and attested by its secretary or assistant secretary. For the purpose of signing such bonds the board of directors of any Federal land bank is authorized to select a vice president who need not be a member of the board of directors; such bonds shall also contain in the face thereof a certificate signed by the Land Bank Commissioner to the effect that it is issued under the authority of the Federal Farm Loan Act, has the approval in form and issue of the Federal Farm Loan Board [now Farm Credit Administration]*, and is legal and regular in all respects; that it is not taxable by National, State, municipal, or local authority; that it is issued against collateral security of United States Government bonds, or first mortgages on farm lands, at least equal in amount to the bonds issued; and that all Federal land banks are liable for the payment of each bond. (July 17, 1916, sec. 21, 39 Stat. 377; Apr. 20, 1920, sec. 6, 41 Stat. 571; June 16, 1933, secs. 75 (b), 80 (a), 48 Stat. 271, 273; 12 U. S. C., sec. 874.)

638-125. Consolidated bonds; authority of Federal land banks to issue and sell.—Whenever it shall appear desirable to issue consolidated bonds of the twelve Federal land banks and to sell them through a common selling agency, and the Federal land banks shall, by resolution, consent to the same, the banks may issue and sell said bonds as hereinafter provided. (July 17, 1916, sec. 21, 39 Stat. 377; Mar.

4, 1923, sec. 308, 42 Stat. 1476; 12 U.S. C., sec. 875.)

638-126. Consolidated bonds; signature and attestation; joint and several obligations; recitals.—Every bond so issued shall be signed by the Land Bank Commissioner and attested by any Deputy Land Bank Commissioner, and their signatures may be either written or engraved thereon and shall recite in the face of the bond the fact that it is the joint and several obligation of the twelve Federal land banks, and shall in all respects be governed by the provisions of the Federal Farm Loan Act not inconsistent herewith. (July 17, 1916, sec. 21, 39 Stat. 377; Mar. 4, 1923, sec. 308, 42 Stat. 1476; June 16, 1933, secs. 80 (a), 81, 48 Stat. 273; 12 U. S. C., sec. 876.)

638-127. Consolidated bonds; where payable.—The consolidated bonds issued under this provision shall be made payable at any Federal land bank, and may be made payable at any Federal reserve bank or banks designated in the face of the bond. (July 17, 1916, sec. 21, 39 Stat. 377; Mar. 4, 1923, sec. 308, 42 Stat. 1476; 12 U. S. C., sec. 877.)

638-128. Consolidated bonds; act of Commissioner binding on banks.—Each Federal land bank on whose behalf consolidated bonds shall be issued under this provision shall in all respects be bound by the Act of the Land Bank Commissioner and the [attesting] Deputy Land Bank Commissioner. (July 17, 1916, sec. 21, 39 Stat. 377; Mar. 4, 1923, sec. 308, 42 Stat. 1476; Mar. 4, 1925, sec. 6, 43 Stat. 1264; June

16, 1933, secs. 80 (a), 81, 48 Stat. 273; 12 U. S. C., sec. 878.)

638-129. Consolidated bonds; action of directors respecting bond liability.—Every Federal land bank, before participation in a consolidated issue, as herein provided, shall by appropriate action of its board of directors, duly recorded in its minutes, obligate itself to become liable on Federal farm loan bonds as provided in this section, and be bound by the action of the Land Bank Commissioner and any Deputy Land Bank Commissioner executing the same. (July 17, 1916, sec. 21, 39 Stat. 377; Mar. 4, 1923, sec. 308, 42 Stat. 1476; June

16, 1933, secs. 80 (a), 81, 48 Stat. 273; 12 U. S. C., sec. 879.)

638-130. Certificate of Land Bank Commissioner.—Every farm loan bond issued hereunder shall contain on the face thereof a certificate signed by the Land Bank Commissioner to the effect that it is issued under the authority of Title I of the Federal Farm Loan Act, has the approval in form and issue of the Federal Farm Loan Board [now Farm Credit Administration]*, and is legal and regular in all respects; that it is not taxable by National, State, municipal, or local authority; that it is issued against collateral security consisting of obligations of the United States Government, or first mortgages on farm lands, at least equal in amount to the bonds issued; and that all Federal land banks are liable for the payment of each bond. (July 17, 1916, sec. 21, 39 Stat. 377; Mar. 4, 1923, sec. 308, 42 Stat. 1476; June 16, 1933, secs. 75 (b), 80 (a), 48 Stat. 271, 273; 12 U. S. C., sec. 880.)

638-131. Farm loan bonds, special provisions of; consolidated bonds;

participation of Federal land bank in issue; collateral.—

Approval of issue requisite; collateral to be held separate from collective security for individual bonds; payments on pledged mortgages as trust funds.—When any Federal land bank shall desire to participate in a consolidated issue of farm-loan bonds it shall make application to the Federal Farm Loan Board [now Farm Credit Administration]* for the approval on its behalf of such issue and tender to the registrar approved farm mortgages, or obligations of the United States Government, as security therefor, and no banks shall participate in such consolidated issue until such application has been approved by the Federal Farm Loan Board [now Farm Credit Administration].* Such approved farm mortgages or obligations of the United States Government shall be held by each farm-loan registrar as collateral security for consolidated bonds, separate and apart from the mortgages and/or Government bonds held by him as collective security for the bonds previ-

^{*}See Ex. Or. 6084, p. 254, this volume,

ously issued or assumed individually by the Federal land bank of his district. Amortization and other payments on the principal of first mortgages held by a farm-loan registrar as collateral security for the issue of consolidated farm-loan bonds shall constitute a trust fund in the hands of the Federal land bank receiving the same and shall be applied or employed in the manner provided in section 22 with respect to payments on principal of first mortgages held as collateral for farm-loan bonds of individual banks.

Notice to registrar of disposition of payments on mortgages held as collateral; maintenance of collateral by banks. Every Federal land bank shall notify the farm-loan registrar of the disposition of all payments made on the principal of mortgages held as collateral security for the issue of consolidated farm-loan bonds, and said registrar is authorized, at his discretion to order any of such payments, or the proceeds thereof, wherever deposited or however invested, to be immediately transferred to his account as trustee aforesaid. Each bank shall maintain with the farm-loan registrar of its district collateral security for the issue of consolidated farm-loan bonds in an amount at least equal to the face amount of such bonds issued on its behalf.

Withdrawal of collateral on surrender of bonds. When any Federal land bank shall surrender to the farm-loan registrar of its district any consolidated Federal farm-loan bonds, canceled or uncanceled, said land bank shall be entitled to withdraw first mortgages and bonds previously pledged as collateral in connection with any issue of consolidated farm-loan bonds to an amount equal to the consolidated farm-loan bonds so surrendered and it shall be the duty of such registrar to permit and direct the delivery of such mortgages and bonds to such land bank.

Additional collateral; payment of bonds and coupons.—The Federal Farm Loan Board [now Farm Credit Administration] * may at any time call upon any Federal land bank for additional security to protect the consolidated bonds issued under the provisions of this section. Each bank shall pay when due, without notice, all bonds and

coupons issued on its behalf hereunder.

Power of Federal land bank to exchange consolidated bonds for individual bonds. Every Federal land bank shall have power to exchange consolidated farm-loan bonds for farm-loan bonds previously issued or assumed by it individually, with the approval of and under rules and regulations promulgated by the Federal Farm Loan Board [now Farm Credit Administration].* (July 17, 1916, sec. 21, 39 Stat. 377; Mar. 4, 1923, sec. 308, 42 Stat. 1476; Mar. 4, 1933, sec. 7,

47 Stat. 1550; 12 U.S. C., sec. 881 (a) to (e).)

638-132. Consolidated bonds; failure of participating bank to pay interest or principal; liability of other banks.—If any Federal land bank shall fail to pay its proportion of interest or principal as herein prescribed, the Federal Farm Loan Board [now Farm Credit Administration] * shall immediately call upon the other Federal land banks for the amount necessary to make said payment, the assessments to be made in proportion to the capital stock of each, which assessments shall be forthwith paid by said banks. (July 17, 1916, sec. 21, 39 Stat. 377; Mar. 4, 1923, sec. 308, 42 Stat. 1476; 12 U. S. C., sec. 882.)

638-133. Bond committee and subcommittee.—The presidents of the

^{*}See Ex. Or. 6084, p. 254, this volume.

twelve Federal land banks shall constitute the bond committee of the Federal land banks and shall select a chairman from among their num-The vice president may act in place of the president on the president's request or in case he fails to act. The bond committee may appoint from among their number a subcommittee consisting of three members, to hold office for a period of one year or until their successors have been appointed, may from among their number fill any vacancies on the subcommittee and may dismiss at pleasure the members of the subcommittee or any of them. The subcommittee, if appointed, shall have such authority to exercise the powers and to perform the functions of the bond committee as the bond committee may authorize and shall be subject to all provisions of law relating to the duties and expenses of the bond committee. The committee shall select one of the members of the subcommittee to be chairman and one of the members of the subcommittee to be secretary of the subcommittee. (July 17, 1916, sec. 21, 39 Stat. 377; Mar. 4, 1923, sec. 308, 42 Stat. 1476; Aug. 19, 1937, sec. 18, 50 Stat. 709; 12 U. S. C., sec. 883.)

638-134. Consolidated bonds; duties of bond committee.—When an issue of consolidated bonds is contemplated, the bond committee shall determine the amount of such issue, the rate of interest which it is to bear, and the participation of the several banks therein, and submit their recommendations to the Federal Farm Loan Board [now Farm Credit Administration] * for approval. When approved by the Federal Farm Loan Board [now Farm Credit Administration] * the bonds shall be executed by the Land Bank Commissioner and any Deputy Land Bank Commissioner, as herein provided. (July 17, 1916, sec. 21, 39 Stat. 377; Mar. 4, 1923, sec. 308, 42 Stat. 1476; June 16, 1933,

secs. 80 (a), 81, 48 Stat. 273; 12 U. S. C., sec. 884.)

638-135. Consolidated bonds; expenses.—The expenses of the bond committee and of the sale of bonds shall be charged against the several land banks in proportion to their participation in the proceeds. (July 17, 1916, sec. 21, 39 Stat. 377; Mar. 4, 1923, sec. 308, 42 Stat. 1476;

12 U. S. C., sec. 885.)

638-136. Compensation of members of bond committee.—The presidents of the Federal land banks shall receive no additional compensation for their services as members of the bond committee, but shall be paid necessary traveling expenses. (July 17, 1916, sec. 21, 39 Stat. 377;

Mar. 4, 1923, sec. 308, 42 Stat. 1476; 12 U. S. C., sec. 886.)

638–137. Interest payments; payments upon mortgages pledged as collateral for bond issue; notice to registrar; cancellation of mortgage and discharge of lien upon full payment.—That whenever any Federal land bank, or joint stock land bank, shall receive any interest, amortization, or other payments upon any first mortgage or bond pledged as collateral security for the issue of farm loan bonds, it shall forthwith notify the farm loan registrar of the items so received. Said registrar shall forthwith cause such payment to be duly credited upon the mortgage entitled to such credit. Whenever any such mortgage is paid in full, said registrar shall cause the same to be canceled and delivered to the proper land bank, which shall promptly satisfy and discharge the lien of record and transmit such canceled mortgage to the original maker thereof, or his heirs, administrators, executors, or assigns. (July 17, 1916, sec. 22, 39 Stat. 378; 12 U. S. C., sec. 891.)

^{*}See Ex. Or. 6084, p. 254, this volume,

638–138. Withdrawal of collateral and substitution of other security.—Upon written application by any Federal land bank, or joint stock land bank, to the farm loan registrar, it may be permitted, in the discretion of said registrar, to withdraw any mortgages or bonds pledged as collateral security under this Act, and to substitute therefor other similar mortgages or United States Government bonds not less in amount than the mortgages or bonds desired to be withdrawn. (July 17, 1916, sec 22, 39 Stat. 378; 12 U. S. C., sec. 892.)

638-139. Place and mode of payment of bonds or interest thereon; cancellation on payment.—Whenever any farm loan bonds, or coupons or interest payments of such bonds, are due under their terms, they shall be payable at the land bank by which they were issued, in gold or lawful money, and upon payment shall be duly canceled by said bank. At the discretion of the Federal Farm Loan Board [now Farm Credit Administration]*, payment of any farm loan bond or coupon or interest payment may, however, be authorized to be made at any Federal land bank, any joint stock land bank, or any other bank, under rules and regulations to be prescribed by the Federal Farm Loan Board [now Farm Credit Administration]*. (July 17, 1916, sec. 22, 39 Stat. 378; 12 U. S. C., sec. 893.)

638-140. Withdrawal of collateral security on surrender of bonds.—When any land bank shall surrender to the proper farm loan registrar any farm loan bonds of any series, canceled or uncanceled, said land bank shall be entitled to withdraw first mortgages and bonds pledged as collateral security for any of said series of farm loan bonds to an amount equal to the farm loan bonds so surrendered, and it shall be the duty of said registrar to permit and direct the delivery of such mortgages and bonds to such land bank. (July 17, 1916, sec. 22, 39

Stat. 378; 12 U. S. C., sec. 894.)

638-141. Interest payments on pledged mortgages.—Interest payments on hypothecated first mortgages shall be at the disposal of the land bank pledging the same, and shall be available for the payment of coupons and the interest of farm loan bonds as they become due. (July

17, 1916, sec. 22, 39 Stat. 378; 12 U. S. C., sec. 895.)

638-142. Payment of bonds, coupons, and interest at maturity.—Whenever any bond matures, or the interest on any registered bond is due or the coupon on any coupon bond matures, and the same shall be presented for payment as provided in this Act, the full face value thereof shall be paid to the holder. (July 17, 1916, sec. 22, 39 Stat. 378; 12 U. S. C., sec. 896.)

638-143. Payment of bonds, coupons and interest at maturity; trust fund from payments on mortgages held as collateral.—Amortization and other payments on the principal of first mortgages held by a farm loan registrar as collateral security for the issue of farm loan bonds shall constitute a trust fund in the hands of the Federal land bank or joint stock land bank receiving the same, and shall be applied or employed as follows:

In the case of a Federal land bank—

(a) To pay off farm loan bonds issued by or in behalf of said bank as they mature.

(b) To purchase at or below par Federal farm loan bonds.

^{*}See Ex. Or. 6084, p. 254, this volume.

(c) To loan on first mortgages on farm lands within the farm credit district, qualified under this Act as collateral security for an issue of farm loan bonds.

(d) To purchase United States Government bonds.

(e) To purchase Federal Farm Mortgage Corporation bonds.

In the case of a joint stock land bank-

(a) To pay off farm loan bonds issued by said bank as they mature.

(b) To purchase at or below par farm loan bonds.

(c) To loan on first mortgages qualified under section sixteen of this Act.

(d) To purchase United States Government bonds.

(e) To purchase Federal Farm Mortgage Corporation bonds. (July 17, 1916, sec. 22, 39 Stat. 378; Mar. 4, 1923, sec. 309, 42 Stat. 1477; Jan. 31, 1934, sec. 8(b), 48 Stat. 347; Aug. 19, 1937, secs. 5(a),

15 (c), 50 Stat. 704, 708; 12 U.S. C., sec. 897.)

638-144. Payment of bonds, coupons, and interest at maturity; deposit of trust funds with registrars as substituted collateral security.—The farm loan bonds, first mortgages, United States Government bonds, or cash constituting the trust funds aforesaid, shall be forthwith deposited with the farm loan register as substituted collateral security in place of the sums paid on the principal of indorsed mortgages held by him in trust. (July 17, 1916, sec. 22, 39 Stat. 378; 12 U. S. C., sec. 898.)

638-145. Payment of bonds, coupons, and interest at maturity; notice to registrar of disposition of principal payments on mortgages held as collateral; transfer to registrar on demand.—Every Federal land bank, or joint stock land bank, shall notify the farm loan registrar of the disposition of all payments made on the principal of mortgages held as collateral security for an issue of farm loan bonds, and said registrar is authorized, at his discretion, to order any of such payments, or the proceeds thereof, wherever deposited or however invested, to be immediately transferred to his account as trustee aforesaid. (July

17, 1916, sec. 22, 39 Stat. 378; 12 U. S. C., sec. 899.)

638-146. Federal land bank and joint-stock land banks. Amount carried to reserve; making good impairment; debit to reserve account.—That every Federal land bank, and every joint stock land bank, shall semiannually carry to reserve account twenty-five per centum of its net earnings until said reserve account shall show a credit balance equal to twenty per centum of the outstanding capital stock of said land bank. Whenever said reserve shall have been impaired, said balance of twenty per centum shall be fully restored before any dividends are paid. After said reserve has reached the sum of twenty per centum of the outstanding capital stock, five per centum of the net earnings shall be annually added thereto. For the period of two years from the date when any default occurs in the payment of the interest, amortization installments, or principal on any first mortgage, by both mortgagor and indorser, the amount so defaulted shall be carried to a suspense account, and at the end of the two-year period specified, unless collected, shall be debited to reserve account.

After deducting the twenty-five per centum or the five per centum hereinbefore directed to be deducted for credit to reserve account, any Federal land bank or joint stock land bank may declare a dividend to shareholders of the whole or any part of the balance of its net earnings: *Provided*, That any dividend or dividends declared by

any joint-stock land bank shall be subject to the approval of the Federal Farm Loan Board [now Farm Credit Administration]*. The reserves of land banks shall be invested in accordance with rules and regulations to be prescribed by the Federal Farm Loan Board [now

Farm Credit Administration]*.

Every Federal land bank shall semiannually carry to reserve account a sum not less than 50 per centum of its net earnings until said reserve account shall show a credit balance equal to the outstanding capital stock of said land bank. After said reserve is equal to the outstanding capital stock 10 per centum of the net earnings shall be added thereto semiannually. Whenever said reserve shall have been impaired it shall be fully restored before any dividends are paid. After deducting the 50 per centum or the 10 per centum herein directed to be deducted for credit to reserve account, any Federal land bank may declare a dividend or dividends to shareholders of the whole or any part of the balance of its net earnings, but only with the approval of the Federal Farm Loan Board [now Farm Credit Administration. In the case of Federal land banks the requirements of this paragraph shall be in lieu of the requirements of the first three sentences of the first paragraph of this section and in lieu of the requirements of the first sentence of the second paragraph of this section. (July 17, 1916, sec. 23, 39 Stat. 379; Jan. 23, 1932, sec. 3(a) and (b), 47 Stat. 13; 12 U.S. C., secs. 901, 902.)

638-147. National farm loan associations; amount carried to reserve account.—That every national farm loan association shall, out of its net earnings, semiannually carry to reserve account a sum not less than 10 per centum of such net earnings until said reserve account shall show a credit balance equal to 25 per centum of the outstanding capital stock of said association. After said reserve has reached the sum of 25 per centum of the outstanding capital stock, 5 per centum of the net earnings shall be semiannually added thereto. (July 17, 1916, sec. 24, 39 Stat. 379; Jan. 23, 1932, sec. 4, 47 Stat. 13; 12 U. S. C.,

sec. 911.)

638-148. Making good impairment of reserve.—Whenever said reserve shall have been impaired it shall be fully restored before any dividends are paid. (July 17, 1916, sec. 24, 39 Stat. 379; Jan. 23, 1932,

sec. 4, 47 Stat. 13; 12 U. S. C., sec. 912.)

638-149. Dividends on balance of net earnings.—After deducting the 10 per centum or the 5 per centum hereinbefore directed to be credited to reserve account, said association may at its discretion declare a dividend to shareholders of the whole or any part of the balance of said net earnings: *Provided*, That the declaration and payment of any such dividend shall be subject to the approval of the Land Bank Commissioner. (July 17, 1916, sec. 24, 39 Stat. 379; Jan. 23, 1932, sec. 4, 47 Stat. 13; June 3, 1935, sec. 4, 49 Stat. 315; 12 U. S. C., sec. 913.)

633-150. Investment of reserves.—The reserves of farm loan associations shall be invested in accordance with rules and regulations to be prescribed by the Federal Farm Loan Board [now Farm Credit Administration].* (July 17, 1916, sec. 24, 39 Stat. 379; 12 U. S. C.,

sec. 914.)

^{*}See Ex. Or. 6084, p. 254, this volume.

638-151. Disposition of reserve on liquidation.—Whenever any farm loan association shall be voluntarily liquidated a sum equal to its reserve account as herein required shall be paid to and become the property of the Federal land bank in which such loan association may be a shareholder. (July 17, 1916, sec. 24, 39 Stat. 379; 12 U. S. C.,

sec. 915.)

638-152. Mortgage held by Federal land bank; notice to indorsing association; making good default.—That if there shall be default under the terms of any indorsed first mortgage held by a Federal land bank under the provisions of this title, the National Farm Loan Association through which said mortgage was received by said Federal land bank shall be notified of said default. Said association may thereupon be required, within 30 days after such notice, to make good such default, either by payment of the amount unpaid thereon in cash or by the substitution of an equal amount of Federal farm loan bonds, with all unmatured coupons attached. (July 17, 1916, sec. 25, 39 Stat. 380; Mar. 4, 1923, sec. 310, 42 Stat. 1477; 12 U. S. C.,

sec. 921.)

638-153. Exemption from taxation; Federal land banks; national farm loan associations; mortgages and bonds as instrumentalities of Government.—That every Federal land bank and every national farm loan association, including the capital and reserve or surplus therein and the income derived therefrom, shall be exempt from Federal, State, municipal, and local taxation, except taxes upon real estate held, purchased, or taken by said bank or association under the provisions of section eleven and section thirteen of this Act. First mortgages executed to Federal land banks, or to joint stock land banks, and farm loan bonds issued under the provisions of this Act, shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation. (July 17, 1916, sec. 26, 39 Stat. 380; 12 U. S. C., sec. 931.)

638-154. Exception; taxation of mortgages or obligations of joint-stock land banks.—Notwithstanding the provisions of section 26 of the Federal Farm Loan Act, as amended, in the case of mortgages made or obligations issued by any joint-stock land bank after the date of the enactment of this Act [Revenue Act of 1938, enacted May 28, 1938], all income, except interest, derived therefrom shall be included in gross income and shall not be exempt from Federal income taxation.

(May 28, 1938, sec. 817, 52 Stat. 578; 12 U. S. C., sec. 931a.)

[Repealed. Insofar as this section related exclusively to Internal Revenue it was repealed and incorporated as section 3799 of Title 26, Internal Revenue. See section 4 (a) of enacting sections of Internal Revenue Code preceding section 1 of Title 26.]

638-155. Joint stock land banks; State taxation of shareholder, limitations on.—Nothing herein shall prevent the shares in any joint stock land bank from being included in the valuation of the personal property of the owner or holder of such shares, in assessing taxes imposed by authority of the State within which the bank is located; but such assessment and taxation shall be in manner and subject to the conditions and limitations contained in section fifty-two hundred and nineteen of the Revised Statutes with reference to the shares of national banking associations. (July 17, 1916, sec. 26, 39 Stat. 380; 12 U. S. C., sec. 932.)

638-156. Federal and joint stock land banks; real property not exempt .-Nothing herein shall be construed to exempt the real property of Federal and joint stock land banks and national farm loan associations from either State, county, or municipal taxes, to the same extent, according to its value, as other real property is taxed. (July 17, 1916, sec. 26, 39 Stat. 380; 12 U. S. C., sec. 933.)

638-157. Investment in farm loan bonds; fiduciary and trust funds; security for public deposits.—That farm loan bonds issued under the provisions of this Act by Federal land banks or joint stock land banks shall be a lawful investment for all fiduciary and trust funds, and may be accepted as security for all public deposits. (July 17,

1916, sec. 27, 39 Stat. 380; 12 U. S. C., sec. 941.)

638-158. Buying and selling by member banks of Federal Reserve System.—Any member bank of the Federal Reserve System may buy and sell farm loan bonds issued under the authority of this Act. (July

17, 1916, sec. 27, 39 Stat. 380; 12 U. S. C., sec. 942.)

638-159. Buying and selling by reserve banks.—Any Federal reserve bank may buy and sell farm loan bonds issued under this Act to the same extent and subject to the same limitations placed upon the purchase and sale by said banks of State, county, district, and municipal bonds under subsection (b) of section fourteen of the Federal Reserve Act approved December twenty-third, nineteen hundred and thirteen. (July 17, 1916, sec. 27, 39 Stat. 380; 12 U. S. C., sec. 943.)

638-160. Farm credit examiners; appointment; number.—That the Federal Farm Loan Board [now Farm Credit Administration] * shall appoint as many farm credit examiners as in its judgment may be required to make careful examinations of the banks and associations permitted to do business under this Act. (July 17, 1916, sec. 28, 39 Stat. 381; Aug. 19, 1937, sec. 20, 50 Stat. 710; 12 U. S. C., sec. 951.)

638-161. Requirements, responsibilities, and penalties applicable to examiners; examinations; reports.—Said examiners shall be subject to the same requirements, responsibilities, and penalties as are applicable to national bank examiners under the national bank Act, the Federal Reserve Act and other provisions of law. Whenever directed by the Federal Farm Loan Board [now Farm Credit Administration],* said examiners shall examine the condition of any national farm loan association and report the same to the Land Bank Commissioner. They shall examine and report the condition of every Federal land bank and joint stock land bank at least twice each year. (July 17, 1916, sec. 28, 39 Stat. 381; June 16, 1933, sec. 80 (a), 48 Stat. 273; Aug. 19, 1937, sec. 20, 50 Stat. 710; 12 U. S. C., sec. 952.)

638-162. Salaries of examiners.—Said examiners shall receive salaries to be fixed by the Federal Farm Loan Board [now Farm Credit Administration].* (July 17, 1916, sec. 28, 39 Stat. 381; Aug. 19, 1937, sec. 20, 50 Stat. 710; 12 U. S. C., sec. 953.)

638-163. National farm loan associations; institution and conduct of receivership; duties and powers of receivers.—That upon receiving satisfactory evidence that any national farm loan association has failed to meet its outstanding obligations of any description the Federal Farm Loan Board [now Farm Credit Administration] * may forthwith declare such association insolvent and appoint a receiver and require of him such bond and security as it deems proper: Provided, That no national farm loan association shall be declared

^{*}See Ex. Or. 6084, p. 254, this volume.

insolvent by said board [now administration] * until the total amount of defaults of current interest and amortization installments on loans indorsed by national farm loan associations shall amount to at least \$150,000 in the farm credit district, unless such association shall have been in default for a period of two years. Such receiver, under the direction of the Federal Farm Loan Board [now Farm Credit Administration],* shall take possession of the books, records, and assets of every description of such association, collect all debts, dues, and claims belonging to it, and, with the approval of the Federal Farm Loan Board [now Farm Credit Administration],* or upon the order of a court of record of competent jurisdiction, may sell or compound all bad or doubtful debts, and, on a like approval or order, may sell all the real and personal property of such association, on such terms as the Federal Farm Loan Board [now Farm Credit Administration] * or said court shall direct. (July 17, 1916, sec. 29, 39 Stat. 381; Aug. 19, 1937, sec. 5 (a), 50 Stat. 704; 12 U. S. C., sec. 961.)

638-164. Disposition of moneys collected by receiver; reports.—Such receiver shall pay over all money so collected to the Treasurer of the United States, subject to the order of the Federal Farm Loan Board [now Farm Credit Administration]*, and also make report to said administration of all his acts and proceedings. The Secretary of the Treasury shall have authority to deposit at interest any money so received. (July 17, 1916, sec. 29, 39 Stat. 381; 12 U. S. C., sec. 962.)

638-165. Federal and joint stock land banks; institution and conduct of receivership.—Upon default of any obligation, Federal land banks and joint stock land banks may be declared insolvent and placed in the hands of a receiver by the Federal Farm Loan Board [now Farm Credit Administration]*, and proceedings shall thereupon be had in accordance with the provisions of this section regarding national farm loan associations. (July 17, 1916, sec. 29, 39 Stat. 381; 12 U. S. C.,

sec. 963.)

638-166. Authorization to receiver to borrow money for paying taxes on real estate.—Any receiver appointed by the Federal Farm Loan Board [now Farm Credit Administration]* pursuant to section 29 of the Federal Farm Loan Act, as amended, or any receiver appointed by a district court of the United States, is authorized, for the purpose of paying taxes on farm real estate owned by the bank or securing the mortgages held by it, with the approval of the Land Bank Commissioner, to borrow from the Reconstruction Finance Corporation and to issue receiver's certificates against the assets of such bank as security for any loan received from the Corporation under this section, and such certificates shall constitute a prior lien on such assets. The Reconstruction Finance Corporation is authorized to make loans to such receivers for the purposes of this section. (May 12, 1933, sec. 27, 48 Stat. 45; June 16, 1933, sec. 80 (a), 48 Stat. 273; 12 U. S. C., sec. 963a.)

638-167. National farm loan associations; disposition of stock in Federal land bank.—If any national farm loan association shall be declared insolvent and a receiver shall be appointed therefor by the Federal Farm Loan Board [now Farm Credit Administration]*, the stock held by it in the Federal land bank of its district shall be canceled without impairment of its liability and all payments on such stock, with accrued dividends, if any, since the date of the last dividend shall be

^{*}See Ex. Or. 6084, p. 254, this volume.

first applied to all debts of the insolvent farm loan association to the Federal land bank and the balance, if any, shall be paid to the receiver of said farm loan association: Provided, That in estimating said debts contingent liabilities incurred by national farm loan associations under the provisions of this Act on account of default of principal or interest of indorsed mortgages shall be estimated and included as a debt, and said contingent liabilities shall be determined by agreement between the receiver and the Federal land bank of the district, subject to the approval of the Federal Farm Loan Board Inow Farm Credit Administration]*, and if said receiver and said land bank cannot agree, then by the decision of the Land Bank Commissioner, and the amount thus ascertained shall be deducted in accordance with the provisions of this section from the amount otherwise due said national farm loan association for said canceled stock. Whenever the capital stock of a Federal land bank shall be reduced, the board of directors shall cause to be executed a certificate to the Federal Farm Loan Board [now Farm Credit Administration]*, showing such reduction of capital stock, and, if said reduction shall be due to the insolvency of a national farm loan association, the amount repaid to such association. (July 17, 1916, sec. 29, 39 Stat. 381; June 16, 1933, sec. 80 (a), 48 Stat. 273; 12 U.S.C., sec. 964.)

638-168. Voluntary liquidation; consolidation of farm loan associations.—No national farm loan association, Federal land bank or joint stock land bank shall go into voluntary liquidation without the written consent of the Federal Farm Loan Board [now Farm Credit Administration]*, but national farm loan associations may consolidate under rules and regulations promulgated by the Federal Farm Loan Board [now Farm Credit Administration]*. (July 17, 1916, sec. 29, 39 Stat.

381; 12 U.S. C., sec. 965.)

638-169. National farm loan associations; disposition of stock in Federal land bank upon voluntary liquidation; personal liability of members.— Upon liquidation of any national farm loan association, the stock in the Federal land bank held by such association shall be canceled and the Federal land bank shall thereupon issue to the borrowers through such association an amount of stock in the Federal land bank equal to the amount of stock held by such borrowers in the liquidated association, such stock to be held by the bank as collateral to the loans of such borrowers and to be paid off and retired at par in the same manner as stock held by borrowers in farm loan associations, and the Federal land bank shall pay to the borrowers holding such stock the same dividends as are paid to national farm loan associations by such bank. The personal liability of the stockholders in such liquidated association to the association shall survive such liquidation and shall be vested in the bank in that district, which may enforce the same as fully as the association could if in existence. (July 17, 1916, sec. 29, 39 Stat. 381; Mar. 4, 1923, sec. 311, 42 Stat. 1478; 12 U. S. C., sec. 966.)

638-170. Conservator in lieu of receiver; appointment; compensation; expenses.—Upon receiving satisfactory evidence that any national farm loan association has failed to meet its outstanding obligations of any description, and that it will be to the best interests of its creditors and stockholders for the association to continue in business, the Farm Credit Administration may, in its discretion, in lieu of appointing a

^{*}See Ex. Or. 6084, p. 254, this volume.

receiver as hereinabove in this section provided, appoint a conservator for such association and require of him such bond and security as the Administration may deem proper. The person so appointed shall be a land bank appraiser appointed under the authority of section 3 of this Act: Provided, however, That the Farm Credit Administration may, in its discretion, appoint some other qualified person. Any land bank appraiser appointed as a conservator shall serve without any additional compensation. Any other person appointed as a conservator shall receive such compensation as the Farm Credit Administration may authorize. Such compensation and all necessary and proper expenses of any such conservatorship shall be paid out of the assets of such association and shall be a lien thereon which shall be prior

to any other lien.

Conservation of assets; preparation of report of association's financial condition. The conservator, under the direction of the Farm Credit Administration, may, when directed so to do, take possession of the books, records, and assets of every description of such association, and take such action as may be necessary to conserve such assets pending final determination of the financial condition of the association and the conditions under which it may be permitted to continue in business. Such conservator shall at the earliest practicable date make such investigations as shall be necessary to enable him to prepare an accurate report on the financial condition of such association. In preparing such report he shall value the association's assets and determine its indebtedness: Provided, That in determining said indebtedness contingent liabilities incurred by the association under the provisions of this Act on endorsed mortgages shall be estimated and included as a debt. On the basis of said evaluation of the association's assets and indebtedness, the conservator shall determine the fair book value of the outstanding stock of said association and the claims of any retired shareholders based on their previous stock ownership. Upon its completion said report shall be submitted to the Federal land bank of the district and said bank shall thereupon indicate its approval thereof or note any exceptions thereto and submit such report together with its exceptions, if any, to the Farm Credit Administration for consideration.

Approval or disapproval of report; powers of Administration. If said report is approved, in whole or in part, by the Farm Credit Administration, upon recommendation of the Federal land bank of the district said Administration shall then decide whether such association shall be permitted to pay off and retire its capital stock at its fair book value, upon full payment of the mortgage loans in connection with which such stock was issued originally, and to settle on the same basis the claims of any of its stockholders who have previously paid their loans in full, but have not received credit for, or the proceeds of their stock in such association. At the same time the Farm Credit Administration shall also decide whether it will permit said association to admit new members pursuant to section 25 (b) of the Farm Credit Act of 1937. If the decision of said Administration is in the affirmative, it may terminate the conservatorship and turn the affairs of the association back to its board of directors. If said report is not approved or the decision of said Administration is in the negative, it may, in its discretion, terminate the conservatorship and permit such association to resume the transaction of its business subject to such

terms, conditions, restrictions, and limitations as it may prescribe for the protection of the rights of creditors and stockholders, or said Administration may appoint a receiver for the association as elsewhere

provided in this section.

Settlement with shareholders. Any settlement made with a retiring or retired shareholder on the basis of the fair book value of the stock of the association pursuant to this section shall be made only on condition that said shareholder agrees to accept such settlement as payment in full. If any shareholder or former shareholder does not desire to settle on such basis, he may, in lieu thereof, be given a participation certificate which will entitle him to share pro rata, on the basis of the number of shares of stock which he owned in the association, in the distribution of any assets of the association which is made after all of its indebtedness to creditors has been satisfied. The Federal land bank of the district may pay to the association from the proceeds of bank stock retired in connection with the payment in full of loans endorsed by such association an amount sufficient to permit the association to make the settlements provided for in this section and any balance of such proceeds shall be retained by the bank and applied as a credit on the indebtedness of the asso-

Readjustment of fair book value of under par stock. After any determination by the Farm Credit Administration as herein provided, that the fair book value of the stock of a national farm loan association is less than the par value thereof, periodically thereafter any increase in the fair book value of said stock resulting from earnings of the association and actual recoveries in excess of the valuations used by the Farm Credit Administration in determining the fair book value of the stock of such association, as herein provided, shall, under rules and regulations of the Farm Credit Administration, be apportioned ratably on a per-share basis to all outstanding stock or participation certificates having a fair book value less than par until the fair book value of all such stock or participation cer-

tificates is equal to the par value thereof.

Continued losses; appointment of another conservator or receiver. the event that the indebtedness, as determined by the conservator, of an association which has been under conservatorship pursuant to this section increases in excess of the earnings of such association, the Farm Credit Administration may, in its discretion, again appoint a conservator for the association, or it may appoint a receiver as elsewhere provided in this section. (July 17, 1916, sec. 29, 39 Stat. 381; Aug. 19, 1937, sec. 25 (d), 50 Stat. 713; 12 U. S. C., sec. 967

(a) to (f).)

638-171. Examination to ascertain adequacy of safeguards to mortgagee.—That it shall be the duy of the Land Bank Commissioner to make examination of the laws of every State of the United States and to inform the Federal Farm Loan Board [now Farm Credit Administration]* as rapidly as may be whether in his judgment the laws of each State relating to the conveying and recording of land titles, and the foreclosure of mortgages or other instruments securing loans, as well as providing homestead and other exemptions and granting the power to waive such exemptions as respects first mort-

^{*}Seo Ex. Or. 6084, p. 254, this volume.

gages, are such as to assure the holder thereof adequate safeguards against loss in the event of default on loans secured by any such mortgages. (July 17, 1916, sec. 30, 39 Stat. 382; June 16, 1933, sec.

80 (a), 48 Stat. 273; 12 U. S. C., sec. 971.)

638-172. Effect of insufficient protection on mortgages covering land in State: assistance in examining laws.—Pending the making of such examination in the case of any State, the Federal Farm Loan Board [now Farm Credit Administration]* may declare first mortgages on farm lands situated within such State ineligible as the basis for an issue of farm loan bonds; and if said examination shall show that the laws of any such State afford insufficient protection to the holder of first mortgages of the kinds provided in this Act, said Federal Farm Loan Board [now Farm Credit Administration]* may declare said first mortgages on land situated in such State ineligible during the continuance of the laws in question. In making his examination of the laws of the several States and forming his conclusions thereon said Land Bank Commissioner may call upon the office of the Attorney General of the United States for any needed legal advice or assistance, or may employ special counsel in any State where he considers such action necessary. (July 17, 1916, sec. 30, 39 Stat. 382; June 16, 1933, sec. 80 (a), 48 Stat. 273; 12 U. S. C., sec. 972.)

638-173. Statement to State Executive.—At the request of the Executive of any State the Federal Farm Loan Board [now Farm Credit Administration]* shall prepare a statement setting forth in what respects the requirements of said board [now administration]* cannot be complied with under the existing laws of such State. (July

17, 1916, sec. 30, 39 Stat. 382; 12 U. S. C., sec. 973.)

638-174. Penalties; false statements in applications for loans; willful overvaluation of land; acceptance of loan or gratuity by examiners.—Any applicant for a loan under this Act, or officer or representative of any such applicant, who shall knowingly make any false statement in the application for such loan, and any member of a loan committee or any appraiser provided for in this Act who shall willfully overvalue any land offered as security for loans under this Act, shall be punished by a fine of not exceeding \$5,000, or by imprisonment not exceeding one year, or both. Any examiner appointed under this Act who shall accept a loan or gratuity from any land bank or national farm loan association examined by him or from any person connected with any such bank or association in any capacity, shall be punished by a fine of not exceeding \$5,000, or by imprisonment not exceeding one year, or both, and may be fined a further sum equal to the money so loaned or gratuity given, and shall forever thereafter be disqualified from holding office as an examiner under the provisions of this Act. No examiner, while holding such office, shall perform any other service for compensation for any bank or banking or loan association, or for any person connected therewith in any capacity. (July 17, 1916, sec. 31, 39 Stat. 382; June 3, 1935, sec. 21, 49 Stat. 319; 12 U. S. C., sec. 981.)

638-175. Falsely making, forging, or counterfeiting bonds or coupons; passing false bonds or coupons; falsely altering.—Any person who shall falsely make, forge, or counterfeit, or cause or procure to be falsely

^{*}See Ex. Or. 6084, p. 254, this volume.

made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any bond, coupon, or paper in imitation of, or purporting to be in imitation of, the bonds or coupons issued by any land bank or national farm loan association, now or hereafter authorized and acting under the laws of the United States; or any person who shall pass, utter, or publish, or attempt to pass, utter, or publish any false, forged, or counterfeited bond, coupon, or paper purporting to be issued by any such bank or association, knowing the same to be falsely made, forged, or counterfeited; or whoever shall falsely alter, or cause or procure to be falsely altered, or shall willingly aid or assist in falsely altering any such bond, coupon, or paper, or shall pass, utter, or publish as true any falsely altered or spurious bond, coupon, or paper issue, or purporting to have been issued, by any such bank or association, knowing the same to be falsely altered or spurious, shall be punished by a fine of not exceeding \$5,000 or by imprisonment not exceeding five years, or both. (July 17, 1916,

sec. 31, 39 Stat. 382; 12 U. S. C., sec. 982.)

638-176. Charging or receiving unauthorized fee or commission; disclosing names of borrowers.—Other than the usual salary or director's fee paid to any officer, director, or employee of a national farm loan association, a Federal land bank, or a joint stock land bank, and other than a reasonable fee paid by such association or bank to any officer, director, attorney, or employee for services rendered, no officer, director, attorney, or employee of an association or bank organized under this Act shall be a beneficiary of or receive, directly or indirectly, any fee, commission, gift, or other consideration for or in connection with any transaction or business of such association or bank. No land bank or national farm loan association organized under this Act shall charge or receive any fee, commission, bonus, gift, or other consideration not herein specifically authorized. No examiner, public or private, shall disclose the names of borrowers to other than the proper officers of a national farm loan association or land bank without first having obtained express permission in writing from the Land Bank Commissioner or from the board of directors of such association or bank, except when ordered to do so by a court of competent jurisdiction or by direction of the Congress of the United States, or of either House thereof, or any committee of Congress or of either House duly authorized. Any person violating any provision of this paragraph shall be punished by a fine of not exceeding \$5,000 or by imprisonment not exceeding one year, or both. (July 17, 1916, sec. 31, 39 Stat. 382; June 16, 1933, sec. 80 (a), 48 Stat. 273; 12 U. S. C., sec. 983.)

638-177. Fraud and embezzlement.—Any person connected in any capacity with any national farm loan association, Federal land bank, or joint stock land bank, who embezzles, abstracts, or willfully misapplies any moneys, funds, or credits thereof, or who without authority from the directors draws any order, assigns any note, bond, draft, mortgage, judgment, or decree thereof, or who makes any false entry in any book, report, or statement of such association or land bank with intent in either case to defraud such institution or any other company, body politic or corporate, or any individual person, or to deceive any officer of a national farm loan association or land bank or any agent appointed to examine into the affairs of any such association or bank, and every person who with like intent aids or abets any officer, clerk, or agent in any violation of this section, shall be punished

by a fine of not exceeding \$5,000 or by imprisonment not exceeding five years, or both. (July 17, 1916, sec. 31, 39 Stat. 382; 12 U. S. C.,

sec. 984.) 638-178. False pretenses as to character of bonds or coupons.-Anv person who shall deceive, defraud, or impose upon, or who shall attempt to deceive, defraud, or impose upon, any person, firm, or corporation by making any false pretense or representation regarding the character, issue, security, or terms of any farm loan bond, or coupon, issued under the terms of this Act; or by falsely pretending or representing that any farm loan bond, or coupon, issued under the terms of this Act by one class of land banks is a farm loan bond, or coupon, issued by another class of banks; or by falsely pretending or representing that any farm loan bond, or coupon, issued under the terms of this Act, or anything contained in said farm loan bond, or coupon, is anything other than, or different from, what it purports to be on the face of said bond or coupon, shall be fined not exceeding \$500 or imprisoned not exceeding one year, or both. (July 17, 1916, sec. 31, 39 Stat. 382; 12 U.S.C., sec. 985.)

638-179. Detection and arrest of violators.—The Secretary of the Treasury is hereby authorized to direct and use the Secret Service Division of the Treasury Department to detect, arrest, and deliver into custody of the United States marshal having jurisdiction, any person or persons violating any of the provisions of this section. (July 17,

1916, sec. 31, 39 Stat. 382; 12 U. S. C., sec. 986.)

638-180. False statements by mortgagee relating to sale of mortgage to Federal land bank; overvaluation of land securing such mortgage.—Any mortgagee who shall knowingly make any false statement in any paper, proposal, or letter, relating to the sale of any mortgage, to any Federal land bank under the provisions of section 13 of this Act, as amended, or any appraiser provided for in this Act who shall willfully overvalue any land securing such mortgage, shall be punished by a fine of not exceeding \$5,000 or by imprisonment not exceeding one year, or both. (July 17, 1916, sec. 31, 39 Stat. 382; June 16, 1933, sec. 78, 48

Stat. 272; 12 U. S. C., sec. 987.)

638-181. Government deposits in land bank; interest rate; security; maximum amount.—That the Secretary of the Treasury is authorized, in his discretion, upon the request of the Federal Farm Loan Board [now Farm Credit Administration]*, to make deposits for the temporary use of any Federal land bank, out of any money in the Treasury not otherwise appropriated. Such Federal land bank shall issue to the Secretary of the Treasury a certificate of indebtedness for any such deposit, bearing a rate of interest not to exceed the current rate charged for other Government deposits, to be secured by farm loan bonds or other collateral, to the satisfaction of the Secretary of the Treasury. Any such certificate shall be redeemed and paid by such land bank at the discretion of the Secretary of the Treasury. The aggregate of all sums so deposited by the Secretary of the Treasury shall not exceed the sum of \$6,000,000 at any one time. (July 17, 1916, sec. 32, 39 Stat. 384; 12 U. S. C., sec. 991.)

638-182. Government guaranty of interest on qualified Federal land bank bonds issued during limited period; use of proceeds of such bonds; limitation on aggregate amount of such bonds; payment of interest by

^{*}Seo Ex. Or. 0084, p. 254, this volume.

Government upon inability of issuing bank; rights of Government after such payment.—Until such time as the Land Bank Commissioner determines that Federal farm-loan bonds (other than those issued under this paragraph) are readily salable in the open market at a yield not in excess of 4 per centum per annum, but in no case more than two years after this paragraph takes effect, Federal land banks may issue farm loan bonds as authorized under this Act, for the purpose of making new loans, or for purchasing mortgages or exchanging bonds for mortgages as provided in paragraph "Second" of section 13 of this Act. The aggregate amount of the bonds issued under this paragraph shall not exceed \$2.000,000,000, and such bonds shall be issued in such denominations as the Land Bank Commissioner shall prescribe, shall bear interest at a rate not in excess of 4 per centum per annum, and shall be fully and unconditionally guaranteed as to interest by the United States, and such guaranty shall be expressed on the face thereof. In the event that it shall appear to the Land Bank Commissioner that the issuing bank or banks will be unable to pay upon demand, when due, the interest on any such bonds, the Secretary of the Treasury shall, upon the request of the Commissioner, pay the amount thereof, which is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated. Upon the payment of such interest by the Secretary of the Treasury the amount so paid shall become an obligation to the United States of the issuing bank or banks and shall bear interest at the same rate as that borne by the bonds upon which the interest has been so paid. After the expiration of one year from the date this paragraph takes effect, if in the opinion of the Land Bank Commissioner any part of the proceeds of the bonds authorized to be issued under this paragraph is not required for the purpose of making new loans or for purchasing mortgages or exchanging bonds for mortgages as herein provided, such bonds may be issued within the maximum limit herein specified for the purpose of refinancing any outstanding issues of Federal farm-loan bonds; but no such bonds shall be issued after two years from the date this paragraph takes effect for the purpose of such refinancing. (July 17, 1916. sec. 32, 39 Stat. 384; May 12, 1933, sec. 21, 48 Stat. 41; June 16, 1933, sec. 80 (a), 48 Stat. 273; 12 U. S. C., sec. 992.)

638–183. Limitation of paragraph 638–182.—After ninety days after the enactment of this Act, no Federal land bank shall issue any bonds under the provisions of the last paragraph of section 32 of the Federal Farm Loan Act, as amended, subject to the guarantee of interest on such bonds by the United States except for the purpose of refinancing any bond which is or has been issued subject to such guarantee of interest. (Jan. 31, 1934, sec. 5, 48 Stat. 346; 12 U. S. C., sec. 992a.)

638-184. Bonds issued under paragraph 638-182; delivery in payment of certain mortgages.—Any borrower who obtains a loan from a Federal land bank after the date this paragraph takes effect may, at any time after the expiration of five years from the date such loan was made, tender to such bank on any regular installment date, bonds issued under this paragraph in an amount not to exceed the unpaid principal of his loan, and the bonds so tendered shall be accepted by the bank at par in payment of any part of such unpaid principal. (July 17. 1916, sec. 32, 39 Stat. 384; May 12, 1933. sec. 21, 48 Stat. 41; 12 U. S. C. sec. 993.)

638-185. Organization expenses; appropriation for expenses.—That the sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Federal Farm Loan Board [now Farm Credit Administration]*, for the purpose of carrying into effect the provisions of this Act, including the rent and equipment of necessary offices. (July 17, 1916, sec. 33, 39 Stat. 384;

12 U. S. C., sec. 1001.)
638-186. Limitation of court decisions respecting validity of provisions.—That if any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (July 17, 1916, sec. 34, 39 Stat. 384; 12 U. S. C., sec. 1011.)

638-187. Reservation of right to amend.—That all Acts or parts of Acts inconsistent with this Act are hereby repealed, and this Act shall take effect upon its passage. The right to amend, alter, or repeal this Act is hereby expressly reserved. (July 17, 1916, sec. 35, 39)

Stat. 384; 12 U. S. C., sec. 1012.)

638-188. Loans to farmers by Land Bank Commissioner; provisions

governing .-

Funds available to Commissioner; security for Commissioner's loans.— The Reconstruction Finance Corporation is authorized and directed to allocate and make available to the Land Bank Commissioner the sum of \$200,000,000, or so much thereof as may be necessary, to be used for the purpose of making loans as hereinafter provided to any farmer, secured by a first or second mortgage upon the whole or any part of the farm property, real or personal, including crops, of the farmer.

Maximum loan; value of security for loan; valuation of farm property. The amount of the mortgage given by any farmer, together with all prior mortgages or other evidences of indebtedness secured by such farm property of the farmer, shall not exceed 75 per centum of the normal value thereof, as determined upon an appraisal made pursuant to the Federal Farm Loan Act, as amended; nor shall a loan in excess of \$7,500, be made to any one farmer. For the purposes of this section, farm property may be valued at an amount representing a prudent investment, consistent with community standards and rentals, if (1) the person occupying the property is not entirely dependent upon farm income for his livelihood but receives a part of his income from other dependable sources, and (2) the farm income from the property, together with earnings from other dependable sources ordinarily available in the community to a person operating such property, would be sufficient to support his family, to pay operating expenses and fixed charges, and to discharge the interest and amortization payments on the loan.

Provisions to be included in mortgage; interest rate; repayment of principal in installments; maximum terms of loans as affected by character of security; privilege of deferring principal payments during first three years of loan. Every mortgage made under this section shall contain an agreement providing for the repayment of the loan on an amortization

^{*}See Ex. Or. 6084, p. 254, this volume.

plan by means of a fixed number of annual or semiannual installments, sufficient to cover (1) interest on unpaid principal at a rate not to exceed 5 per centum per annum and (2) such payments equal in amount to be applied on principal as will extinguish the debt within an agreed period of not more than ten years or, in the case of a first or second mortgage secured wholly by real property within an agreed period no greater than that for which loans may be made under the Federal Farm Loan Act, as amended, from the date the first payment on principal is due: Provided, That when in the judgment of the Land Bank Commissioner conditions justify it, any mortgage made under this section may provide that during the first three years the loan is in effect payments of interest only may be required if the borrower shall not be in default with respect to any other condition or covenant of his mortgage.

Requirement of waiver by prior lien holder. No loan shall be made under this section unless the holder of any prior mortgage or instrument of indebtedness secured by such farm property arranges to the satisfaction of the Land Bank Commissioner to limit his right to proceed against the farmer and such farm property for default in

payment of principal.

Purposes of loans. Loans may be made under this section for any of the purposes for which Federal land banks are authorized by law to make loans, and for the following additional purpose, and none other: Refinancing, in connection with proceedings under chapter VIII of the Bankruptcy Act of July 1, 1898, as amended, any indebtedness, secured or unsecured, of the farmer, or which is secured by a lien on all or any part of the farm property accepted as security for the loan. The provisions of paragraph "Ninth" of section 13 of the Federal Farm Loan Act, as amended (relating to charges to applicants for loans and borrowers from the Federal land banks), shall, so far as

practicable, apply to loans made under this section.

Definitions; loans to corporations; exceptions. As used in this section, (1) the term "farmer" means any person who is at the time, or shortly to become, bona fide engaged in farming operations, either personally or through an agent or tenant, or the principal part of whose income is derived from farming operations or livestock raising, and includes a personal representative of a deceased farmer; (2) the term "person" includes an individual or a corporation engaged in the raising of livestock; and (3) the term "corporation" includes any incorporated association; but no such loan shall be made to a corporation (A) unless all the stock of the corporation is owned by individuals themselves personally actually engaged in the raising of livestock on the land to be mortgaged as security for the loan, except in a case where the Land Bank Commissioner permits the loan if at least 75 per centum in value and number of shares of the stock of the corporation is owned by the individuals personally actually so engaged, and (B) unless the owners of at least 75 per centum in value and number of shares of the stock of the corporation assume personal liability for the loan. No loan shall be made to any corporation which is a subsidiary of, or affiliated (either directly or through substantial identity of stock ownership) with, a corporation ineligible to procure a loan in the amount applied for.

Loans by Commissioner on behalf of Federal Farm Mortgage Corporation; loans in cash or bonds; amount available. Until June 1, 1942, the Land Bank Commissioner shall, in his name, make loans under this section on behalf of the Federal Farm Mortgage Corporation, and may make such loans in cash or in bonds of the corporation, or if acceptable to the borrower, in consolidated farm loan bonds; but no such loans shall be made by him after June 1, 1942, except for the purpose of refinancing loans previously made by him under this section. As much as may be necessary of the assets of the corporation, including the bonds (and proceeds thereof) issued under section 4 of the Federal Farm Mortgage Corporation Act, may be used for the

Execution of instruments by Federal land banks; presumption of authority. Any Federal land bank, when duly authorized by the Land Bank Commissioner and the Federal Farm Mortgage Corporation, shall have the power to execute any instrument relating to any mortgage taken to secure a loan made or to be made under this section, or relating to any property included in any such mortgage, or relating to any property acquired by the Land Bank Commissioner and/or the Federal Farm Mortgage Corporation. Any such instrument heretofore or hereafter executed on behalf of the Land Bank Commissioner and/or the Federal Farm Mortgage Corporation by a Federal land bank, through its duly authorized officers, shall be conclusively presumed to have been duly authorized by the Land Bank Commissioner and the Federal Farm Mortgage Corporation.

Rate of interest payable on certain installment dates. Notwithstanding the foregoing provisions of this section, the rate of interest on loans made under this section shall not exceed 4 per centum per annum for all interest payable on installment dates occurring on or after July 22, 1937, and prior to July 1, 1940, and shall not exceed 3½ per centum per annum for all interest payable on installment dates occurring on or after July 1, 1940, and prior to July 1, 1942. (May 12, 1933, sec. 32, 48 Stat. 48; June 16, 1933, sec. 80 (a), 48 Stat. 273; Jan. 31, 1934, secs. 9, 10, 48 Stat. 347; June 11, 1934, 48 Stat. 929; May 28, 1935, sec. 32, 49 Stat. 300; June 3, 1935, sec. 2 (a), (b), (c), (d), (e), 49 Stat. 313, 314; July 22, 1937, sec. 2, 50 Stat. 521; Aug. 19, 1937, secs. 13, 14, 50 Stat. 708; June 16, 1938, sec. 2, 52 Stat. 709; Feb. 1, 1940, 54 Stat. 15; June 29, 1940, sec. 2, 54 Stat. 684; 12 U. S. C., sec. 1016 (a) to (i).)

638–189. Rules and regulations; appointment, employment, and compensation of officers, employees, and agents.—The Land Bank Commissioner is authorized to make such rules and regulations, and to appoint, employ, and fix the compensation of such officers, employees, attorneys, and agents as may be necessary to carry out the purposes of this title and to make the relief contemplated by this title immediately available, without regard to the provisions of other laws applicable to the employment and compensation of officers and employees of the United States: *Provided*, That no salary or compensation in excess of \$10,000 shall be paid to any person employed under the terms of the foregoing section. (May 12, 1933, sec. 33, 48 Stat. 49; June 16, 1933, sec. 80 (a), 48 Stat. 273; 12 U. S. C., sec. 1017.)

638-190. Facilities of Federal land banks and national farm loan associations available to Commissioner.—The Federal land banks and the national farm loan associations are authorized, upon request of the Land Bank Commissioner, to make available to him their services and facilities to aid in administering the provisions of this title.

(May 12, 1933, sec. 34, 48 Stat. 49; June 16, 1933, sec. 80 (a), 48 Stat.

273; 12 Ú. S. C., sec. 1018.)

638-191. Penalties for false representation in obtaining loan.—Any person who shall knowingly make any material false representation for the purpose of obtaining any loan under part 3 of this title, or in assisting in obtaining any such loan, shall, upon conviction thereof, be fined not more than \$1,000, or imprisoned not more than six months, or both. (May 12, 1933, sec. 35, 48 Stat. 49; 12 U. S. C., sec. 1019.)

638-192. Federal Farm Mortgage Corporation; establishment of corporation; directors; bylaws; regulations; officers and employees.—That there is hereby established a corporation to be known as the "Federal Farm Mortgage Corporation", hereinafter in this Act referred to as the "corporation." The principal office of the corporation shall be located in the District of Columbia and the management of the corporation shall be vested in a board of directors consisting of the Secretary of the Treasury, or an officer of the Treasury designated by him, the Governor of the Farm Credit Administration, hereinafter in this Act referred to as the "Governor", and the Land Bank Commissioner.
The directors shall receive no additional compensation for their services as directors of the corporation, but may be allowed actual necessary traveling and subsistence expenses when engaged in the business of the corporation outside of the District of Columbia. The Governor shall be the chairman of the board of directors. The directors shall have power to adopt such bylaws, rules, regulations, and amendments thereto as they deem necessary for the conduct of the business of the corporation authorized under this Act. The directors shall have power, without regard to the provisions of other laws applicable to the employment and compensation of officers and employees of the United States, to employ and fix the compensation and duties of such agents, officers, and employees of the corporation as may be necessary to carry out the powers and duties conferred upon the corporation by this Act, to require bonds of them and fix the penalties thereof and dismiss them at pleasure, and to prescribe the manner in which the obligations of the corporation shall be incurred and its expenses allowed and paid, but the rates of compensation of such agents, officers, and employees of the corporation shall not exceed the rates of compensation prescribed for comparable duties by the Classification Act of 1923, as amended. (Jan. 31, 1934, sec. 1, 48 Stat. 344; 12 U. S. C., sec. 1020.)

638-193. Period of succession; powers; free use of mails; use of Government facilities.—The corporation shall have succession until dissolved by Act of Congress; shall have power to sue and be sued in any court, to adopt and use a corporate seal, to make contracts, and to acquire, hold, and dispose of real and personal property necessary and incident to the conduct of its business; and shall have such other powers as may be necessary and incident to carrying out its powers and duties under this Act. The corporation shall be entitled to the free use of the United States mails in the same manner as the executive departments of the Government. The corporation, with the consent of any board, commission, independent establishment, or executive department of the Government, may avail itself of the use of information, services, facilities, officers, agents, and employees thereof, in carrying out the provisions of this Act. (Jan. 31, 1934, sec. 2, 48 Stat.

345: 12 U. S. C., sec. 1020a.)

638–194. Capital; amount; subscription by United States.—The capital of the corporation shall be in the sum of \$200,000,000, which shall be subscribed by the Governor on behalf of the United States in such amounts and at such times as he deems necessary for the purposes of the corporation. For the purpose of such capital subscription, the funds and proceeds thereof made available to the Land Bank Commissioner under section 32 of the Emergency Farm Mortgage Act of 1933 and the mortgages taken by the Commissioner and the credit instruments secured thereby are hereby transferred to the corporation. (Jan. 31, 1934, sec. 3, 48 Stat. 345; 12 U. S. C., sec. 1020b.)

638-195. Bonds; aggregate amount; guaranty by United States; purchase and sale of by United States; exchange of for consolidated farm loan bonds.—(a) With the approval of the Secretary of the Treasury, the corporation is authorized to issue and have outstanding at any one time bonds in an aggregate amount not exceeding \$2,000,000,000. Such bonds shall be in such forms and denominations, shall have such maturities, shall bear such rates of interest, shall be subject to such terms and conditions, and shall be issued in such manner and sold at such prices, as may be prescribed by the corporation, with the approval of the Secretary of the Treasury. Such bonds shall be fully and unconditionally guaranteed both as to interest and principal by the United States and such guaranty shall be expressed on the face thereof, and such bonds shall be lawful investments, and may be accepted as security, for all fiduciary, trust, and public funds the investment or deposit of which shall be under the authority or control of the United States or any officer or officers thereof. In the event that the corporation shall be unable to pay upon demand, when due, the principal of, or interest on, such bonds, the Secretary of the Treasury shall pay to the holder the amount thereof which is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated. and thereupon to the extent of the amount so paid the Secretary of the Treasury shall succeed to all the rights of the holders of such bonds. The Secretary of the Treasury, in his discretion, is authorized to purchase any bonds of the corporation issued hereunder, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities hereafter issued under the Second Liberty Loan Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of the corporation's bonds hereunder. The Secretary of the Treasury may, at any time, sell any of the bonds of the corporation acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of the bonds of the corporation shall be treated as public debt transactions of the United States. No such bonds shall be issued in excess of the assets of the corporation, including the assets to be obtained from the proceeds of such bonds, but a failure to comply with this provision shall not invalidate the bonds or the guaranty of the same. The corporation shall have power to purchase such bonds in the open market at any time and at any price. On such terms and conditions as may be agreed upon, the corporation may exchange such bonds, upon application of any Federal land bank for consolidated farm loan bonds of equal face value issued under the Federal Farm Loan Act, as amended, and may exchange such consolidated farm loan bonds held by it for bonds of the corporation of equal face value. (Jan. 31, 1934,

sec. 4 (a), 48 Stat. 345; Apr. 27, 1934, sec. 14, 48 Stat. 647; 12 U. S. C., sec. 1020c.)

638-196. Purchase of consolidated farm loan bonds; loans to Federal and joint stock land banks; investment in mortgages; extensions.—(b) The corporation is further authorized to purchase from time to time, for cash, such consolidated farm loan bonds at such prices and upon such terms as may be approved by the board of directors of the corporation; to make loans to Federal land banks and joint stock land banks on the security of real estate mortgages, sheriff's certificates, sales contracts and real estate, upon such terms and conditions as shall be prescribed by the board of directors of the corporation: Provided, however, That loans outstanding to joint-stock land banks under this subsection shall not at any one time exceed in the aggregate \$10,000,000; to make loans to Federal land banks on the security of consolidated farm loan bonds; and to invest its funds in mortgage loans made under section 32 of the Emergency Farm Mortgage Act of 1933, as amended.

When in the judgment of the directors conditions justify it, the corporation shall have power to extend, in whole or in part, any unpaid obligation under the terms of any mortgage, and to accept payment of any such obligation together with interest thereon, at a rate not exceeding 5 per centum per annum, during such period and in such amounts as may be agreed upon at the date of making such extension. (Jan. 31, 1934, sec. 4 (b), 48 Stat. 346; Aug. 19, 1937, secs. 2, 4, 50 Stat.

703; 12 Ú. S. Ć., sec. 1020d)

638-197. Preparation of bonds.—(c) In order to furnish bonds for delivery by the Federal Farm Mortgage Corporation, the Secretary of the Treasury is hereby authorized to prepare suitable bonds in such form, subject to the provisions of this Act, as the board of directors may approve, such bonds when prepared to be held in the Treasury subject to delivery upon order of the corporation. The engraved plates, dies, bedpieces, and so forth, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The corporation shall reimburse the Secretary of the Treasury for any expenditures made in the preparation, custody, and delivery of such bonds. (Jan. 31, 1934, sec. 4 (c), 48 Stat. 346; 12 U. S. C., sec. 1020e.)

638-198. Exemptions from taxation.—(a) The corporation, including its franchise, its capital, reserves, and surplus, and its income shall be exempt from all taxation now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority; except that any real property of the corporation shall be subject to State, Territorial, county, municipal, or local taxation to the same extent

according to its value as other real property is taxed.

(b) Mortgages executed to the Land Bank Commissioner and mortgages held by the Corporation, and the credit instruments secured thereby, and bonds issued by the Corporation under the provisions of this Act, shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation (except surtaxes, estate, inheritance, and gift taxes). (Jan. 31, 1934, sec. 12, 48 Stat. 347; Feb. 26, 1934, 48 Stat. 360; 12 U. S. C., sec. 1020f.)

638-199. Severability clause; reservation of right to amend.—(a) If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

(b) The right to alter, amend, or repeal this Act is hereby expressly reserved. (Jan. 31, 1934, sec. 17, 48 Stat. 348; 12 U. S. C.,

sec. 1020g.)

638-200. Citation of Act.—This Act may be cited as the "Federal Farm Mortgage Corporation Act". (Jan. 31, 1934, sec. 18, 48 Stat.

349; 12 U. S. C., sec. 1020h.)

638-201. Loans to farmers by Governor of Farm Credit Administration; purposes.—That the Governor of the Farm Credit Administration, hereinafter in this Act referred to as the Governor, is hereby authorized to make loans to farmers in the United States (including Hawaii and Puerto Rico), for fallowing, for planting, for cultivation, for production of crops, for harvesting of crops, for supplies incident and necessary to such production or harvesting, and for feed for livestock, or for any of such purposes. Such loans shall be made and collected through such agencies, upon such terms and conditions, and subject to such regulations, as the Governor may prescribe. (Jan. 29, 1937, sec. 1, 50 Stat. 5; 12 U. S. C., sec. 1020i.)

638-202. Persons entitled; security; limitation on amount; interest.—
(a) No loan shall be made under this Act to any applicant who shall not have first established to the satisfaction of the proper officer or employee of the Farm Credit Administration, under such regulations as the Governor may prescribe, that such applicant is unable to procure from other sources a loan in an amount reasonably adequate to meet his needs for the purposes for which loans may be made under this Act; and preference shall be given to the applications of

farmers whose cash requirements are small.

(b) There shall be required as security for any such loan a first lien, or an agreement to give a first lien, upon all crops of which the production or harvesting, or both, is to be financed, in whole or in part, with the proceeds of such loan; or, in case of any loan, for the purchase or production of feed for livestock, a first lien upon the live-

stock to be fed.

(c) No loan made under the provisions of this Act to any borrower shall exceed \$400, nor shall a loan be so made in any calendar year which, together with the unpaid principal of prior loans so made to such borrower in that year, shall exceed \$400 in amount: Provided, however, That in any area certified by the President of the United States to the Governor as a distressed emergency area, the Governor may make loans without regard to the foregoing limitations as to amount, under such regulations, with such maturities, and in such amounts as he may prescribe.

(d) Each loan shall bear interest at the rate of 4 per centum per annum. (Jan. 29, 1937, sec. 2, 50 Stat. 6; 12 U. S. C., sec. 1020j.)

638-203. Use of loan, purposes; exemption from execution, etc.—The proceeds of each loan made by the Governor under the provisions of this Act shall be impressed with a trust for the purposes for which loans may be made under this Act, and may be used only for the purposes stated in the application therefor, and such trust shall continue, and the proceeds shall be free from garnishment, attachment,

or the levy of an execution, until such proceeds have been used by the borrower for such purposes. (Jan. 29, 1937, sec. 3, 50 Stat. 6; 12

U. S. C., sec. 1020k.)

638-204. Fees for making loans and releasing liens.—(a) Fees for recording, filing, registration, and examination of records (including certificates) shall not exceed 75 cents per loan, and may be paid from the proceeds of the loan.

(b) No fees for releasing liens given to secure loans made pursuant to this Act, nor any other fee not specified herein, shall be paid from the funds herein authorized to be appropriated. (Jan. 29,

1937, sec. 4, 50 Stat. 6; 12 U. S. C., sec. 10201.)

638-205. Officers and employees; appointment and compensation; use by other institutions; use of employees of other institutions.—(a) The Governor shall have power, without regard to the provisions of other laws applicable to the employment and compensation of officers and employees of the United States, to employ and fix the compensation and duties of such agents, officers, and employees as may be necessary to carry out the purposes of this Act; but the compensation of such officers and employees shall correspond, so far as the Governor deems practicable, to the rates established by the Classification Act of 1923, as amended.

(b) Such agents, officers, and employees, or any of them, and the agents, officers, employees, and facilities of the Farm Credit Administration available for use in connection with loans made under the provisions of this Act or of prior crop production, seed, and feed loan Acts of the same general character, may be used by the Governor to perform services for any institution operating under the supervision of the Farm Credit Administration, upon such terms and conditions as the Governor may determine; and such institutions are hereby expressly empowered to enter into agreements with the Governor for such

purpose.

(c) For the purpose of carrying out the provisions of this Act, and for collecting loans made under other Acts of the same general character, including loans made by the Governor with funds appropriated by the Emergency Appropriation Act, fiscal year 1935, or the Emergency Relief Appropriation Act of 1935, the Governor is authorized also to use the facilities and services of any agency or corporation operating under the supervision of the Farm Credit Administration, and of any officer or employee of any such agency or institution, or of the Farm Credit Administration, and may pay for such services and the use of such facilities from the funds made available for the payment of necessary administrative expenses, and such agencies and institutions are hereby expressly empowered to enter into agreements with the Governor for the accomplishment of such purposes and to perform the services provided for therein. (Jan. 29, 1937, sec. 5, 50 Stat. 6; 12 U. S. C., sec. 1020m.)

638-206. Unlawful use of loans; false representations; accepting fee for securing loans; penalties.—(a) Except with the written permission of the Governor or his duly authorized representative, it shall be unlawful

for any borrower to willfully use the proceeds of any loan:

(1) For any purpose other than those specified in the application therefor; or

(2) For the purpose of fallowing, or for the planting, production, or harvesting of any crops on, any land other than that described in

his application for such loan.

(b) It shall be unlawful for any person to make any material false representation for the purpose of obtaining, or assisting another to obtain, a loan under the provisions of this Act; or willfully to dispose of, or assist in disposing of, except for the account of the Governor, any crops or other property upon which there exists a lien securing a loan made under the provisions of this Act.

(c) It shall be unlawful for any person to charge or accept a fee for preparing or assisting in the preparation of any papers of an applicant

for a loan under the provisions of this Act.

(d) Any person violating any provision of this section of this Act shall, upon conviction thereof, be punished by a fine of not more than \$1,000, or by imprisonment for not more than six months, or both.

(Jan. 29, 1937, sec. 6, 50 Stat. 7; 12 U. S. C., sec. 1020n.)

employees.—That no employee of the United States on whose certificate or approval loans under said Act of January 29, 1937, as amended, or other acts of the same general character, are or have been made, shall be held personally liable for any loss or deficiency occasioned by the fraud or misrepresentation of applicants or borrowers, if the Governor of the Farm Credit Administration shall determine that such employee has exercised reasonable care in the circumstances, and has complied with the regulations of the Farm Credit Administration in executing such certificate or giving such approval. Notwithstanding any such determination by the Governor of the Farm Credit Administration, this provision shall not be construed to prevent any criminal process against any person who was a party to or had guilty knowledge of such fraud or misrepresentation. (June 30, 1939, Title II, 53 Stat. 979; 12 U. S. C., sec. 1020n-1.)

638-208. Appropriation; expenditures for printing and binding.—(a) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$50,000,000 for the purpose of enabling the Governor to carry out the provisions of

this Act.

(b) The moneys appropriated in pursuance of subsection (a) of this section, any amounts collected for services rendered under section 5 (b), and all collections of principal and interest of loans made under this Act may be used by the Governor for making loans under this Act, and for all necessary administrative expenses incurred in connection with the making and collection of such loans.

(c) Expenditures for printing and binding necessary in carrying out the provisions of this Act may be made without regard to the provisions of section 3709 of the Revised Statutes. (Jan. 29, 1937, sec. 7,

50 Stat. 7; 12 U. S. C., sec. 1020o.)

FEDERAL INTERMEDIATE CREDIT BANKS

638-209. Federal Intermediate Credit Banks; organization; number, names, and charters of banks.—That the Federal Farm Loan Board [now Farm Credit Administration]* shall have power to grant

^{*}See Ex. Or. 6084, p. 254, this volume.

charters for 12 institutions to be known and styled as "Federal Intermediate Credit Banks." (July 17, 1916, sec. 201 (a); Mar. 4, 1923,

sec. 2, 42 Stat. 1454; 12 U. S. C., sec. 1021.)

638-210. Location; directors; officers and employees .- One such institution shall be established in each farm credit district in the same city as the Federal land bank of the district. The members of the several farm credit boards of the farm credit districts provided for in the Farm Credit Act of 1937 shall be ex officio the directors of the several Federal intermediate credit banks herein provided for and shall have power, subject to the approval of the Farm Credit Administration, to employ and fix the compensation of such officers and employees of such Federal intermediate credit banks as may be necessary to carry on the business authorized by this title. (July 17, 1916, sec. 201 (b); Mar. 4, 1923, sec. 2, 42 Stat. 1454; June 16, 1933, sec. 76 (a), 48 Stat. 271; Aug. 19, 1937, sec. 10, 50 Stat. 707; 12 U. S. C., sec. 1022.)

638-211. Corporate powers; suits by or against .- Each Federal Intermediate Credit Bank shall have all the usual powers of corporations, and shall have power to sue and be sued both in law and equity, and for purposes of jurisdiction shall be deemed a citizen of the State

where it is located.

Each Federal intermediate credit bank shall have power to acquire and dispose of such property, real or personal, as may be necessary or convenient for the transaction of its business, which, however, may be leased to others for revenue purposes. (July 17, 1916, sec. 201 (c), Mar. 4, 1923, sec. 2, 42 Stat. 1454; Aug. 19, 1937, sec. 26, 50 Stat. 715; 12 U. S. C., sec. 1023.)

638-212. Fiscal agents for United States .- Federal intermediate credit banks, when designated for that purpose by the Secretary of the Treasury, shall act as fiscal agents of the United States Government and perform such duties as shall be prescribed by the Secretary of the Treasury. (July 17, 1916, sec. 201 (d), Mar. 4, 1923, sec. 2, 42

Stat. 1454; 12 U.S.C., sec. 1024.)

638-213. Insolvency; receivership.—Upon default of any obligation any Federal Intermediate Credit Bank may be declared insolvent and placed in the hands of a receiver by the Federal Farm Loan Board [now Farm Credit Administration]*, and proceedings shall thereupon be had in accordance with the provisions of section 29 of this Act regarding National Farm Loan Associations. (July 17, 1916, sec. 201 (e); Mar. 4, 1923, sec. 2, 42 Stat. 1454; 12 U. S. C., sec.

638-214. Application for charter.—The charters to such Federal Intermediate Credit Banks shall be granted upon application of the directors of the Federal Land Banks which application shall be in such form as the Federal Farm Loan Board [now Farm Credit Administration]* shall prescribe. (July 17, 1916, sec. 201 (f); Mar. 4,

1923, sec. 2, 42 Stat. 1454; 12 U. S. C., sec. 1026.)

638-215. Discounts and loans; lending powers; purchase and sale of debentures of intermediate credit banks; loans to cooperative associations.—That Federal Intermediate Credit Banks, when chartered and established, shall have power, subject solely to such restrictions, limitations, and conditions as may be imposed by the Federal Farm

^{*}See Ex. Or. 6084, p. 254, this volume.

Loan Board [now Farm Credit Administration]* not inconsistent

with the provisions of this Act,-

(1) To discount for, or purchase from, any national bank, and/or any State bank, trust company, agricultural credit corporation, incorporated livestock loan company, savings institution, cooperative bank, credit union, cooperative association of agricultural producers, organized under the laws of any State or of the Government of the United States, and/or any other Federal Intermediate Credit Bank, with its endorsement, any note, draft, bill of exchange, debenture, or other such obligation the proceeds of which have been advanced or used in the first instance for any agricultural purpose or for the raising, breeding, fattening, or marketing of livestock; and to make loans or advances direct to any such organization, secured by such obligations; and to discount for, or purchase from, any production credit association or bank for cooperatives organized under the Farm Credit Act of 1933, or any production credit association in which a Production Credit Corporation organized under such Act holds stock, with its indorsement, any note, draft, bill of exchange, debenture, or other such obligation presented by such association or bank, and to make loans and advances direct to any such association or bank secured by such collateral as may be approved by the Governor of the Farm Credit Administration;

(2) To buy or sell, with or without recourse, debentures issued by

any other Federal Intermediate Credit Bank; and

(3) To make loans or advances direct to any cooperative association organized under the laws of any State and composed of persons engaged in producing, or producing and marketing, staple agricultural products, or livestock, if the notes or other such obligations representing such loans are secured by warehouse receipts, and/or shipping documents covering such products, and/or mortgages on livestock, and/or such other collateral as may be approved by the Governor of the Farm Credit Administration: Provided, That no such loan or advance, when secured only by warehouse receipts and/or shipping documents, and/or mortgages on livestock, shall exceed 75 per centum of the market value of the products covered by said warehouse receipts and/or shipping documents, or of the livestock covered by said mortgages; and to accept drafts or bills of exchange issued or drawn by any such association when secured by warehouse receipts and/or shipping documents covering staple agricultural products as herein provided, at such rates of commission as may be approved by the Governor of the Farm Credit Administration. (July 17, 1916, sec. 202 (a); Mar. 4, 1923, sec. 2, 42 Stat. 1455; Mar. 4, 1925, sec. 7, 43 Stat. 1264; June 26, 1930, sec. 1, 46 Stat. 816; May 19, 1932, sec. 1, 47 Stat. 159; June 16, 1933, sec. 76 (b), (c), 48 Stat. 271; June 3, 1935, sec. 5 (a), (b), 49 Stat. 315; 12 U.S.C., sec. 1031.)

638-216. Purchase or discount of paper from or for national banks, State banks, trust companies, savings institutions, or corporations making loans for agricultural or livestock purposes; limitations upon amount.—No paper shall be purchased from or discounted for any national bank, State bank, trust company, or savings institution under this section, if the amount of such paper added to the aggregate liabilities of such national bank, State bank, trust company or savings institution,

^{*}See Ex. Or. 6084, p. 254, this volume,

whether direct or contingent (other than bona fide deposit liabilities), exceeds the amount of such liability permitted under the laws of the jurisdiction creating the same; or exceeds twice the paid in and unimpaired capital and surplus of such national bank, State bank, trust company, or savings institution. No paper shall under this section be purchased from or discounted for any other corporation engaged in making loans for agricultural purposes or for the raising, breeding, fattening, or marketing of livestock, if the amount of such paper added to the aggregate liabilities of such corporation exceeds the amount of such liabilities permitted under the laws of the jurisdiction creating the same; or exceeds ten times the paid in and unimpaired capital and surplus of such corporation. It shall be unlawful for any national bank which is indebted to any Federal Intermediate Credit Bank upon paper discounted or purchased under this section to incur any additional indebtedness, if by virtue of such additional indebtedness its aggregate liabilities, direct or contingent, will exceed the limitations herein contained. (July 17, 1916, sec. 202 (b); Mar. 4, 1923, sec. 2, 42 Stat. 1455; 12 U. S. C., sec. 1032.)

638-217. Maturity and sale of loans, advances, or discounts.—Loans, advances, or discounts made under this section shall have a maturity at the time they are made or discounted by the Federal intermediate credit bank of not more than three years. Any Federal intermediate credit bank may in its discretion sell loans or discounts made under this section, with or without its indorsement. (July 17, 1916, sec. 202 (c); Mar. 4, 1923, sec. 2, 42 Stat. 1455; June 26, 1930,

sec. 2, 46 Stat. 816; 12 U. S. C., sec. 1033.)

638-218. "Debentures" defined.—The terms "debenture" and "debentures", when used in any Act of Congress, whenever enacted, except the Federal Farm Loan Act, relating to the purchase, sale, or use as security, of debentures issued by or for the benefit and account of any Federal intermediate credit bank or banks, shall be deemed to mean debentures issued by any such bank individually and consolidated debentures issued by such banks acting together. (Aug. 19, 1937,

sec. 39, 50 Stat. 718; 12 U.S.C., sec. 1040.)

638-219. Issue of debentures; collateral trust debentures or similar obligations; security for; maturity; limitation respecting amount .-That Federal Intermediate Credit Banks shall have power, subject to the approval of the Federal Farm Loan Board [now Farm Credit Administration]*, to borrow money and to issue and to sell collateral trust debentures or other similar obligations with a maturity at the time of issue of not more than five years, which shall be secured by at least a like face amount of cash, United States Government bonds, Federal Farm Mortgage Corporation bonds, or notes or other such obligations discounted or purchased or representing loans made under section 202: Provided, That the aggregate amount of the outstanding debentures and similar obligations issued individually by any Federal intermediate credit bank, together with the amount of outstanding consolidated debentures issued for its benefit and account. shall not exceed ten times the surplus and paid-in capital of such bank. (July 17, 1916, sec. 203 (a); Mar. 4, 1923, sec. 2, 42 Stat. 1456; June 3, 1935, sec. 6 (a), 49 Stat. 315; Aug. 19, 1937, sec. 27, 50 Stat. 715: 12 U. S. C., sec. 1041.)

^{*}See Ex. Or. 6084, p. 254, this volume.

638-220. Applicability of provisions of title I; regulations governing collateral and handling thereof; interest rates.—The provisions of title I of this Act relating to the preparation and issue of farm loan bonds shall, so far as applicable, govern the preparation and issue of debentures or other such obligations issued under the preceding section; but the Farm Credit Administration shall prescribe rules and regulations governing the receipt, custody, substitution, and release of the cash, obligations of the United States Government, and notes or other obligations securing such debentures, the right of substitution being hereby granted, and in the event such notes or other obligations are secured by warehouse receipts, shipping documents, or other similar credit instruments, may permit the substitution of trust receipts therefor in such manner and subject to such conditions as may be approved by the said Administration. Rates of interest upon debentures and other such obligations issued under the preceding section shall, subject to the approval of the Farm Credit Administration, be fixed by the Federal intermediate credit bank making the issue, not exceeding 6 per centum per annum. (July 17, 1916, sec. 203 (b); Mar. 4, 1923, sec. 2, 42 Stat. 1456; Aug. 19, 1937, sec. 28, 50 Stat. 715; 12 U.S.C., sec. 1042.)

638-221. Assumption of liability by Government prohibited; recital necessary to be included.—The United States Government shall assume no liability, direct or indirect, for any debentures or other obligations issued under this section, and all such debentures and other obligations shall contain conspicuous and appropriate language, to be prescribed in form and substance by the Federal Farm Loan Board [now Farm Credit Administration]* and approved by the Secretary of the Treasury, clearly indicating that no such liability is assumed. (July 17, 1916, sec. 203 (c); Mar. 4, 1923, sec. 2, 42 Stat. 1456; 12 U. S. C., sec. 1043.)

638-222. Consolidated debentures; authority of intermediate credit banks to issue and sell.—Whenever it shall appear desirable to issue consolidated debentures of the twelve Federal intermediate credit banks and to sell them through a common selling agency, and the Federal intermediate credit banks shall, by resolutions, consent to the same, the banks may issue and sell said debentures subject to the provisions of this section and the provisions of section 21 of Title I of this Act, insofar as applicable. As used in this Act, the term "debentures" includes such consolidated debentures. (July 17, 1916, sec. 203 (d); June 3, 1935, sec. 6 (b), 49 Stat. 315; 12 U. S. C., sec. 1044.)

638-223. Investment of fiduciary and trust funds in debentures of intermediate credit banks; security for public deposits.—All debentures issued by Federal intermediate credit banks shall be lawful investments, and may be accepted as security, for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of the United States or of any officer or officers thereof. (July 17, 1916, sec. 203 (e); June 3, 1935, sec. 6 (b), 49

Stat. 316; 12 U.S.C., sec. 1045.)

638-224. Discount rates, establishment of and approval of; limitations on.—Any Federal intermediate credit bank may, with the approval of the Intermediate Credit Commissioner, from time to time

^{*}See Ex. Or. 6084, p. 254, this volume.

establish rates of discount and interest which, except with the approval of the Governor of the Farm Credit Administration, shall not exceed by more than 1 per centum per annum the rate borne by the last preceding issue of debentures which it issued or in which it participated. Any Federal intermediate credit bank may be required by the Governor of the Farm Credit Administration to acquire, upon such terms as he may approve, loans and/or discounts of any other Federal intermediate credit bank. (July 17, 1916, sec. 204 (a); Mar. 4, 1923, sec. 2, 42 Stat. 1456; Mar. 4, 1925, sec. 2, 43 Stat. 1262; June 3, 1935, sec. 7, 49 Stat. 316; 12 U. S. C., sec. 1051.)

638–225. Limitation on interest rate charged original borrower on paper discounted with bank.—No organization entitled to the privileges of this title, shall, without the approval of the Federal Farm Loan Board [now Farm Credit Administration]*, be allowed to discount with any Federal Intermediate Credit Bank any note or other obligation, upon which the original borrower has been charged a rate of interest exceeding by more than 1½ per centum per annum the discount rate of the Federal Intermediate Credit Bank at the time such loan was made. (July 17, 1916, sec. 204 (b); Mar. 4, 1923, sec. 2, 42 Stat.

1456; 12 U.S. C., sec. 1052.)

638-226. Purchase by bank of debentures issued by it.—Subject to the approval of the Farm Credit Administration, a Federal intermediate credit bank may buy for its own account any debentures or similar obligations issued by or for the benefit and account of such bank or other Federal intermediate credit bank or banks, and (1) hold until maturity any such debentures or similar obligations or (2) retire before maturity any such debentures or similar obligations issued by it or for its benefit and account. (July 17, 1916, sec. 204 (c); Mar. 4, 1923, sec. 2, 42 Stat. 1456; Aug. 19, 1937, sec. 29, 50 Stat. 715; 12 U. S. C.,

sec. 1053.)

638-227. Capital stock; amount, shares; subscriptions to by United States; assessments against other banks to restore capital impairment of one bank.—That for the purpose of exercising the powers conferred by this title, each Federal Intermediate Credit Bank shall have a subscribed capital stock of \$5,000,000, which amount may be increased from time to time with the approval of the Governor of the Farm Credit Administration. Capital stock of such amount shall be divided into shares of \$5 each and shall be subscribed, held, and paid by the Government of the United States. It shall be the duty of the Secretary of the Treasury to subscribe to such capital stock on behalf of the United States, such subscription to be subject to call in whole or in part by directors of the said banks upon thirty days' notice to the Secretary of the Treasury and with the approval of the Federal Farm Loan Board [now Farm Credit Administration]*. The Secretary of the Treasury is authorized and directed to take out shares as called and to pay for the same out of any money in the Treasury not otherwise appropriated.

In the event that there shall be an impairment of the paid-in capital of any Federal intermediate credit bank, the Farm Loan Board [now Farm Credit Administration]*, at such time or times as it deems advisable, may determine and assess the amount thereof against the other Federal intermediate credit banks on such equitable basis of

^{*}See Ex. Or. 6084, p. 254, this volume.

apportionment as it shall prescribe. Each bank against which such an assessment is made shall, out of its surplus and/or to an extent up to 50 per centum of its net earnings, in accordance with the terms of such assessment, pay the amount thereof as soon as possible to the bank having the impairment. In such event payments into the surplus fund and payments of the franchise tax prescribed by this chapter shall be determined on the basis of the net earnings remaining after

providing for the payment of any such assessment.

With the approval of the Secretary of the Treasury, the Governor of the Farm Credit Administration is hereby authorized to subscribe from time to time to the capital stock and/or paid-in surplus of any Federal Intermediate Credit Bank on behalf of the United States, in such amounts as he may determine are necessary for the purpose of meeting the credit needs of eligible borrowers from the bank, and the amount of the capital stock and paid-in surplus of such bank may be increased or decreased from time to time by the Governor, in accordance with such needs. Such stock shall be divided into shares of \$100 each and subscriptions to such paid-in surplus shall be made in multiples of \$100 out of the revolving fund created under subsection (e) of section 5 of the Farm Credit Act of 1933, as amended. The Governor on behalf of the United States shall make payment for stock and paid-in surplus of such bank and such payment shall be subject to call in whole or in part by the board of directors of the bank, with the approval of the Governor. (July 17, 1916, sec. 205; Mar. 4, 1923, sec. 2, 42 Stat. 1457; May 19, 1932, sec. 2, 47 Stat. 159; Jan. 31, 1934, sec. 15 (b), (c), 48 Stat. 348; 12 U. S. C., sec. 1061.)

638-228. Application of earnings; salaries and expenses of Federal Farm Loan Bureau; assessment against banks for proportionate share.—That the Federal Farm Loan Board [now Farm Credit Administration]* shall equitably apportion the joint salaries and expenses incurred in behalf of Federal land banks, joint-stock land banks, and Federal intermediate credit banks, and shall assess against each Federal intermediate credit bank its proportionate share of the salaries and expenses of the Federal Farm Loan Bureau [now Farm Credit Administration]* made necessary in connection with the operation of this provision. (July 17, 1916, sec. 206 (a); Mar. 4, 1923, sec. 2, 42 Stat. 1457; Mar. 4, 1925, sec. 1, 43 Stat. 1262; 12 U. S. C., sec. 1062.)

638-229. Net earnings; surplus fund; franchise tax; disposition by United States of sums received from net earnings of banks and from surplus remaining after liquidation of banks.—Subject only to review and approval by the Farm Credit Administration, each Federal intermediate credit bank, at the end of its fiscal year, after all its necessary expenses and costs of operation for such fiscal year have been paid or provided for, shall apply its net earnings then remaining, first, to making up any losses in excess of its reserves against unforeseen losses and assets of doubtful value; second, to the elimination of any impairment of its paid-in capital and paid-in surplus; third, to the creation and maintenance of reserves against unforeseen losses and assets of doubtful value in such amount as its board of directors may prescribe; fourth, to the payment of 25 per centum of the amount then remaining to the United States as a franchise tax; and, fifth, to the payment of the remaining net earnings into its surplus account. The

^{*}Seo Ex. Or. 6084, p. 254, this volume.

amounts paid as franchise taxes to the United States by Federal intermediate credit banks shall, in the discretion of the Secretary of the Treasury, be used to supplement the gold reserve held against outstanding United States notes, or shall be applied to the reduction of the outstanding bonded indebtedness of the United States under regulations to be prescribed by the Secretary of the Treasury. Should a Federal intermediate credit bank be dissolved or go into liquidation, after the payment of all debts and other obligations as hereinbefore provided, any surplus remaining shall be paid to and become the property of the United States and shall be similarly applied. (July 17, 1916, sec. 206 (b); Mar. 4, 1923, sec. 2, 42 Stat. 1457; May 19, 1932, sec. 3, 47 Stat. 159; Aug. 19, 1937, sec. 30, 50 Stat. 715; 12 U. S. C., sec. 1072.)

638-230. Liability of one bank for debentures issued by other banks; agreements by banks for transfer of funds for debenture payments.—That any Federal Intermediate Credit Bank issuing debentures or other such obligations under this title shall be primarily liable therefor, and shall also be liable, upon presentation of the coupons for interest payments due upon any such debentures or obligations issued by any other Federal Intermediate Credit Bank and remaining unpaid in consequence of the default of the other Federal Intermediate Credit Bank. Any Federal Intermediate Credit Bank shall likewise be liable for such portion of the principal of debentures or obligations so issued as are not paid after the assets of such other Federal Intermediate Credit Bank have been liquidated and distributed. Such losses, if any, either of interest or of principal, shall be assessed by the Federal Farm Loan Board [now Farm Credit Administration]* against solvent Federal Intermediate Credit Banks liable therefor in proportion to the amount of capital stock, surplus, and debentures or other such obligations which each may have outstanding at the time of such assessment. Every Federal Intermediate Credit Bank shall, by appropriate action of its board of directors duly recorded in its minutes, obligate itself to become liable on debentures and other such obligations as provided in this section: Provided, That in view of the liability of all Federal intermediate credit banks for the debentures and other such obligations of each bank under this Act, the banks shall, in accordance with rules, regulations, and orders of the Federal Farm Loan Board [now Farm Credit Administration]*, enter into adequate agreements and arrangements among themselves by which funds shall be transferred and/or made available from time to time for the payment of all such debentures and other such obligations and the interest thereon when due in accordance with the terms (July 17, 1916, sec. 207; Mar. 4, 1923, sec. 2, 42 Stat. 1458; May 19, 1932, sec. 4, 47 Stat. 159; 12 U. S. C., sec. 1081.)

638-231. Reports of condition of banks and other lending institutions rediscounting with credit banks; examinations and audits of credit banks.—That in order to enable each Federal Intermediate Credit Bank to carry out the purpose of this title, the Comptroller of the Currency is hereby authorized and directed, upon the request of any Federal Intermediate Credit Bank, (1) to furnish for the confidential use of such bank such reports, records, and other information, as he may have available, relating to the financial condition of national banks through or for which the Federal Intermediate Credit Bank has

^{*}See Ex. Or. 6084, p. 254, this volume.

made or contemplates making discounts, and (2) to make through his examiners, for the confidential use of the Federal Intermediate Credit Bank, examinations of organizations through or for which the Federal Intermediate Credit Bank has made or contemplates making discounts or loans: Provided, That no such examination shall be made without the consent of such organization except where such examination is required by law: Provided, That any organization, except State banks, trust companies, and savings associations, shall, as a condition precedent to securing rediscount privileges with the Federal Intermediate Credit Bank of its district, file with such bank its written consent to its examination as may be directed by the Federal Farm Loan Board [now Farm Credit Administration]* by farm credit examiners; and State banks, trust companies, and savings associations may be in like manner required to file their written consent that reports of their examination by constituted authorities may be furnished by such authorities upon request to the Federal Intermediate Credit Bank of their district. Each Federal Intermediate Credit Bank shall be examined and audited at least once each year by the Federal Farm Loan Board [now Farm Credit Administration]*, and the results of such examination and audit shall be made public by the board [now administration]*. (July 17, 1916, sec. 208 (a); Mar. 4, 1923, sec. 2, 42 Stat. 1458; Aug. 19, 1937, sec. 20, 50 Stat. 710; 12 U. S. C., sec. 1091.)

638-232. Submission and publication of reports of condition by banks.-Every Federal Intermediate Credit Bank shall make to the Federal Farm Loan Board [now Farm Credit Administration]* not less than three reports during each year as requested by the board [now administration]* and according to the form which may be prescribed by the board [now administration]*, verified by the oath or affirmation of the president, or secretary, or treasurer, of each Federal Intermediate Credit Bank and attested by the signature of at least three of the directors. Each report shall exhibit, in detail and under appropriate heads, the resources and liabilities of the Federal Intermediate Credit Bank at the close of business on any past day specified by the Federal Farm Loan Board [now Farm Credit Administration]* within five days from the receipt of a request or requisition therefor from the board [now administration]*, and in the same form in which it is made to the Federal Farm Loan Board [now Farm Credit Administration]* shall be published in a newspaper published in the place where such Federal Intermediate Credit Bank is established, or if there is no newspaper in the place, then in the one published nearest thereto, in the same county, at the expense of the bank; and such proof of publication shall be furnished as may be required by the Federal Farm Loan Board [now Farm Credit Administration]*. The Federal Farm Loan Board [now Farm Credit Administration]* shall also have power to call for special reports from any particular Federal Intermediate Credit Bank whenever in its judgment the same are necessary for a full and complete knowledge of is condition. (July 17, 1916, sec. 208 (b); Mar. 4, 1923, sec. 2, 42 Stat. 1458; 12 U. S. C., sec. 1092.)

638-233. Investigations and reports by land bank appraisers and examiners for credit banks.—Land bank appraisers are authorized, upon the request of any Federal Intermediate Credit Bank and with the approval of the Federal Farm Loan Board [now Farm Credit Admin-

^{*}See Ex. Or. 6084, p. 254, this volume. 1 So in original.

istration]*, to investigate and make a written report upon the products covered by warehouse receipts or shipping documents, and the live stock covered by mortgages, which are security for notes or other such obligations representing any loan to any organization, under this title. Farm credit examiners are authorized, upon the request of any Federal Intermediate Credit Bank and with the approval of the Federal Farm Loan Board [now Farm Credit Administration]*, to examine and make a written report upon the condition of any organization, except national banks, to which the Federal Intermediate Credit Bank contemplates making any such loan. (July 17, 1916, sec. 208 (c); Mar. 4, 1923, sec. 2, 42 Stat. 1458; Aug. 19, 1937, sec. 20, 50 Stat. 710; 12 U. S. C., sec. 1093.)

638-234. Cost of examinations; assessments against organizations investigated.—The Federal Farm Loan Board [now Farm Credit Administration |* shall assess the cost of all examinations made by the examiners of the board [now administration]* under the provisions of this title upon the bank, trust company, savings institution, or organization investigated, in accordance with the regulations to be prescribed by the board [now administration]*. (July 17, 1916, sec. 208 (d); Mar. 4, 1923, sec. 2, 42 Stat. 1458; 12 U. S. C., sec. 1094.)

638-235. Reports on condition of institutions receiving loans or deposits.—The executive departments, boards, commissions, and independent establishments of the Government, the Reconstruction Finance Corporation, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Reserve banks are severally authorized under such conditions as they may prescribe, upon the request of the Farm Credit Administration to make available to the Farm Credit Administration or any district bank or district corporation operating under its supervision, in confidence, all reports, records or other information they may have relating to the condition of any institution to which the Administration, such district bank, or corporation has made or contemplates making loans or for which it has discounted or contemplates discounting paper, or which it is using or contemplates using as a custodian of securities or other credit instruments, or as a depositary. (July 17, 1916, sec. 208 (e); June 3, 1935, sec. 8, 49 Stat. 316; Aug. 23, 1935, sec. 203 (a), 49 Stat. 704; Aug. 19, 1937, sec. 31, 50 Stat. 716; 12 U. S. C., sec. 1095.)

638-236. Rules and regulations; authority of Farm Credit Administration.—That the Federal Farm Loan Board [now Farm Credit Administration]* is authorized to make such rules and regulations, not inconsistent with law, as it deems necessary for the efficient execution of the provisions of this title. (July 17, 1916, sec. 209; Mar. 4, 1923, sec. 2, 42 Stat. 1459; 12 U. S. C., sec. 1101.)

638-237. Tax exemption; capital and income; debentures instrumentalities of Government.-That the privileges of tax exemption accorded under section 26 of this Act shall apply also to each Federal Intermediate Credit Bank, including its capital, reserve, or surplus, and the income derived therefrom, and the debentures issued under this title shall be deemed and held to be instrumentalities of the Government and shall enjoy the same tax exemptions as are accorded farm loan bonds in said

^{*}See Ex. Or. 6084, p. 254, this volume.

section. (July 17, 1916, sec. 210; Mar. 4, 1923, sec. 2, 42 Stat. 1459; 12

U. S. C., sec. 1111.) 638-238. Offenses by officers, employees, or agents; embezzlement; misapplication of funds; unauthorized making, issuing, or assigning instruments; false entries.—That any officer, director, agent, or employee of a Federal Intermediate Credit Bank who embezzles, abstracts, purloins, or willfully misapplies any of the moneys, funds, or credits of such bank, or who, without authority from such bank, draws any order or bill of exchange, makes any acceptance, issues, puts forth, or assigns any note, debenture, bond, draft, bill of exchange, mortgage, judgment, or decree, or who makes any false entry in any book, report, or statement of such bank with intent in any case to injure or defraud such bank or any other company or person, or to deceive any officer of such bank or the Federal Farm Loan Board [now Farm Credit Administration]*, or any agent or examiner appointed to examine the affairs of such bank; and every receiver of such bank who with like intent to defraud or injure embezzles, abstracts, purloins, or willfully misapplies any of the moneys, funds, or assets of such bank, and every person who with like intent aids or abets any officer, director, agent, employee, or receiver in any violation of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any district court of the United States, shall be fined not more than \$5,000, or shall be imprisoned for not more than five years, or both, at the discretion of the court. (July 17, 1916, sec. 211 (a); Mar. 4, 1923, sec. 2, 42 Stat. 1459; 12 U. S. C., sec. 1121.)

638–239. False statements to banks.—Whoever makes any statement, knowing it to be false, for the purpose of obtaining for himself or for any other person, firm, corporation, or association any advance, or extension or renewal of an advance, or any release or substitution of security from such bank, or for the purpose of influencing in any other way the action of such bank, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than five years, or both. (July 17, 1916, sec. 211 (b); Mar. 4, 1923, sec. 2, 42 Stat.

1459; 12 U. S. C., sec. 1122.)

638-240. Overvaluation of property offered as security for loan.—Whoever willfully overvalues any property offered as security for any such advance shall be punished by a fine of not more than \$5,000, or by imprisonment for not more than two years, or both. (July 17, 1916, sec. 211 (c); Mar. 4, 1923, sec. 2, 42 Stat. 1459; 12 U. S. C., sec. 1123.)

638–241. Offenses by examiners.—Any examiner appointed under this Act who shall accept a loan or gratuity from any organization examined by him, or from any person connected with any such organization in any capacity, or who shall disclose the names of borrowers to other than the proper officers of such organization, without first having obtained express permission in writing from the Land Bank Commissioner or from the board of directors of such organization, except when ordered to do so by a court of competent jurisdiction or by direction of the Congress of the United States or of either House thereof, or any committee of Congress or of either House duly authorized, shall be punished by a fine of not exceeding \$5,000 or by imprisonment of not exceeding one year, or both, and may be fined a further sum equal to the money so loaned or gratuity given, and shall forever thereafter be disqualified from holding office as an examiner

^{*}See Ex. Or. 6084, p. 254, this volume.

under the provisions of this Act. No examiner while holding such office shall perform any other service for compensation for any bank or banking or loan association or for any person connected therewith in any capacity. (July 17, 1916, sec. 211 (d); Mar. 4, 1923, sec. 2, 42 Stat. 1459; June 16, 1933, sec. 80 (a), 48 Stat. 273; 12 U. S. C.,

sec. 1124.)

638-242. Offenses by officers, employees, or agents of banks; receiving fees or gifts.—Whoever, being an officer, director, employee, agent or attorney of a Federal Intermediate Credit Bank, stipulates for or receives or consents or agrees to receive any fee, commission, gift, or thing of value, from any person, firm, or corporation for procuring or endeavoring to procure for such person, firm, or corporation, or for any other person, firm, or corporation any loan from any such corporation or extension or renewal of loan or substitution of security, or the purchase or discount or acceptance of any paper, note, draft, check, or bill of exchange by any such corporation, shall be deemed guilty of a misdemeanor and shall upon conviction thereof be imprisoned for not more than one year and fined not more than \$5,000, or both. (July 17, 1916, sec. 211 (e); Mar. 4, 1923, sec. 2, 42 Stat.

1459; 12 U. S. C., sec. 1125.)

638-243. Forgery, counterfeiting, and like offenses relating to obligations of banks.—Any person who shall falsely make, forge, or counterfeit or cause or procure to be falsely made, forged, or counterfeited or willingly aid or assist in falsely making, forging, or counterfeiting any debenture, coupon, or other obligation in imitation of or purporting to be in imitation of the debenture, coupon, or other obligation issued by any Federal Intermediate Credit Bank, or any person who shall pass, utter, or publish or attempt to pass, utter, or publish any false, forged, or counterfeited, debenture, coupon, or other obligation purporting to be issued by any such bank knowing the same to be falsely made, forged, or counterfeited, or any person who shall falsely alter or cause or procure to be falsely altered or shall willingly aid or assist in falsely altering any such debenture, coupon, or other obligation or who shall pass, utter, or publish as true any falsely altered or spurious debenture, coupon, or other obligation issued or purporting to have been issued by any such bank knowing the same to be falsely altered or spurious, shall be punished by a fine of not exceeding \$5,000 or by imprisonment not to exceed five years, or both. (July 17, 1916, sec. 211 (f); Mar. 4, 1923, sec. 2, 42 Stat. 1459; 12 U. S. C., sec. 1126.)

638-244. False representations as to debentures or other obligations of banks.—Any person who shall deceive, defraud, or impose upon or who shall attempt to deceive, defraud, or impose upon any person, partnership, corporation, or association by making any false pretense or representation concerning the character, issue, security, contents, conditions, or terms of any debenture, coupon, or other obligation issued under the terms of this title, shall upon conviction be fined not exceeding \$500, or imprisoned not to exceed one year, or both. (July 17, 1916, sec. 211 (g); Mar. 4, 1923, sec. 2, 42 Stat. 1459; 12 U. S. C.

sec. 1127.)

638-245. Unlawful use of words "Federal intermediate credit bank."—All corporations not organized under the provisions of this title are prohibited from using the words "Federal Intermediate Credit Bank" as part of their corporate name, and any violation of this pro-

hibition shall subject the party charged therewith to a civil penalty of \$50 for each day during which the violation continues. (July 17, 1916, sec. 211 (h); Mar. 4, 1923, sec. 2, 42 Stat. 1459; 12 U. S. C., sec. 1128.)

638-246. Charging of unauthorized fees or commissions by banks.—That no Federal Intermediate Credit Bank shall charge or receive any fee, commission, bonus, gift, or other consideration not herein specifically authorized. (July 17, 1916, sec. 212; Mar. 4, 1923, sec.

2, 42 Stat. 1461; 12 U. S. C., sec. 1129.)

638-247. Production credit corporations; establishment; number; location.—The Governor of the Farm Credit Administration, hereinafter in this Act referred to as the "governor", is authorized and directed to organize and charter twelve corporations to be known as "Production Credit Corporations" and twelve banks to be known as "Banks for Cooperatives." One such corporation and one such bank shall be established in each farm credit district in the city in which there is located a Federal land bank. The members of the several farm credit boards of the farm credit districts provided for in the Farm Credit Act of 1937 shall be ex officio the directors of the respective production credit corporations and banks for cooperatives. Such directors shall have power, subject to the approval of the governor, to employ and fix the compensation of such officers and employees of such corporations and banks as may be necessary to carry out the powers and duties conferred upon such corporations and banks under this Act. (June 16, 1933, sec. 2, 48 Stat 257; Aug. 19, 1937, sec. 11, 50 Stat. 708; 12 U. S. C., sec. 1131.)

638-248. Charters and bylaws.—The charters of the Production Credit Corporations and the Banks for Cooperatives shall be granted by the governor upon application of the directors of the Federal land bank of the proper district, and applications and charters shall be in such form as the governor shall prescribe. The directors shall have power, subject to the approval of the governor, to adopt such bylaws as may be necessary for the conduct of the business of the corporations and banks. (June 16, 1933, sec. 3, 48 Stat. 257; 12 U. S. C., sec. 1131a.)

638-249. Capital stock; amount; value of shares; amount and subscription for initial stock; payments for stock subscribed on behalf of United States.—The capital stock of each Production Credit Corporation shall be in such amount as the governor determines is required for the purpose of meeting the credit needs of the district to be served by such corporation, and such amount may be increased or decreased from time to time by the governor in accordance with such credit needs. Such capital stock shall be divided into shares of \$100 each. The initial capital stock of each such corporation shall be \$7,500,000, which shall be subscribed for by the governor and held by him on behalf of the United States. Payments on subscriptions to stock by the governor shall be subject to call in whole or in part by the board of directors of the corporation with the approval of the governor. The governor shall make such payments out of the revolving fund created in section 5. The stock ownership of the United States in such corporation shall be evidenced by such means as the governor shall determine. (June 16, 1933, sec. 4, 48 Stat. 257; 12 U. S. C., sec. 1131b.)

638-250. Purchase of stock in production credit associations; class of stock to be purchased and held; amount of stock; retirement of stock held by corporations; application of earnings on stock held by corporations.

Stock in associations organized under this section.—(a) Each Production Credit Corporation shall have power to invest its funds in stock of production credit associations as provided in this section. Such corporation is authorized to subscribe and pay for class A stock in each Production Credit Association located in the district served by such corporation in amounts sufficient to maintain the amount of class A stock held by it and other holders of class A stock equal, as nearly as may be, to 20 per centum of the volume of loans made or to be made by such association, as estimated by the corporation, but at no time shall the amount of class A stock outstanding be less than \$5,000 except with the consent of the association. Notwithstanding the provisions of the preceding sentence, (1) the governor, under rules and regulations prescribed by him, may permit a Production Credit Corporation to maintain the class A holdings of stock by the corporation and other investors at such amount, in excess of 20 per centum of such loans, as may be necessary, and (2) the corporation may at any time require the association to retire and cancel stock held by the corporation in such association, if, in the judgment of the corporation, the association has resources available therefor.

Stock in associations not organized under this section; restrictions and limitations. (b) Under such rules and regulations as may be prescribed by the governor and subject to such restrictions and limitations as he may prescribe, each Production Credit Corporation is authorized to subscribe and pay for stock in production credit associations not organized under this Act if such associations are controlled by cooperative associations as defined in section 55. Only stock which is preferred as to assets on liquidation and is entitled to participate in dividend distributions without discrimination may be subscribed for. The amount of the stock subscribed for by any Production Credit Corporation in any such association shall not at any one time exceed 75 per centum of the total paid-in capital of such

association.

Earnings on stock in associations; application of; establishment and investment of surplus. (c) The amount of the excess of earnings on stock held by the corporation above amounts necessary to pay operating expenses and restore losses and impairment of capital, if any, of the corporation shall be devoted to the creation and maintenance of a surplus equal to at least 25 per centum of the paid-in capital of the corporation. The amount of the surplus shall be invested as the governor shall prescribe in direct obligations of the United States or in class A stock of Production Credit Associations, or both.

Application of excess earnings on stock in associations; retirement of stock in corporations held by Government. (d) The amount of such excess of earnings not required in order to comply with the provisions of subsection (c) shall be paid into the revolving fund heretofore authorized. Stock held by the governor in the Production Credit Corporation shall be retired upon such payment in an amount equal to the amount of such payment. (June 16, 1933, sec. 6 (a) to (d), 48

Stat. 259; 12 U. S. C., sec. 1131c.)

638-251. Organization; articles of association; charters; bylaws; powers of governor respecting associations.—The governor is authorized and directed to organize and charter corporations to be known as "Production Credit Associations." Such associations may be organized by ten or more farmers desiring to borrow money under the provisions of this

Such individuals shall enter into articles of incorporation which shall specify in general terms the objects for which the association is formed and the powers to be exercised by it in carrying out the functions conferred upon it by this Act. Such articles shall be signed by the individuals uniting to form the association and a copy thereof shall be forwarded to the Production Credit Corporation of the district. and such copy shall be filed and preserved in its office. The governor may, for good cause shown, deny a charter to such individuals. Upon the approval of such articles by the governor, the association shall become as of the date of such approval a body corporate. nor shall have power, under rules and regulations prescribed by him, or by prescribing the terms of the charter of the association, or both, to provide for the organization, management, and conduct of the business of the association; and the power of the governor shall extend to prescribing the amount of the stock of such association; fixing the territory within which its operations may be carried on; fixing the method of election and appointment of, and the amount and payment of the compensation of, directors, officers, and employees: fixing the maximum amount of individual loans which may be made; prescribing the conditions under which the stock may be retired; and providing for the consolidation of two or more such associations. The governor may, at any time, direct such changes in the charter of any such association as he finds necessary in accomplishing the purposes of this title. Bylaws of any such association may be adopted by the directors but shall not be valid unless approved by the governor. (June 16, 1933, sec. 20,

48 Stat. 259; 12 U.S. C., sec. 1131d.) 638-252. Capital stock; value of shares; classes of stock; voting rights; limitation on transfer of class B stock; exchange of class B stock upon holder ceasing to be borrower; dividends; ownership of stock as entitling credit corporation to approve or remove officers of association.—The stock of such associations shall be divided into shares of \$5 each; and there shall be two classes of such stock: (1) Class A stock which is to be held by Production Credit Corporations, and which may be purchased and held by investors, and (2) class B stock which may be purchased only by farmer borrowers from the association and individuals eligible to become borrowers. Class B stock only shall be entitled to voting rights but each holder of such stock shall be entitled to no more than one vote. No class B stock, or any interest therein or right to receive dividends thereon, shall be transferred by act of parties or operation of law except to another farmer borrower or an individual eligible to become a borrower, and then only with the approval of the directors of the association. Each holder of class B stock, within two years after he has ceased to be a borrower, shall exchange such class B stock at the fair book value (not to exceed par) thereof, as determined by the association, for class A stock. All stock shall share in dividend distributions without preference, but the directors of the association may, in their discretion, apply the amount of any dividend payable to a holder of class B stock to any indebtedness of such holder to the association. Class A stock shall be preferred as to assets of the association upon liquidation. During such time as any Production Credit Corporation is a holder of any stock of any such association, the appointment or election of directors, the secretary-treasurer, and the loan committee of such association shall be subject to the approval of the president of the Production Credit Corporation and during such time any such director, secretary-treasurer, or other officer may, at any time, be removed by the president of the Production Credit Corporation. (June 16, 1933, sec. 21, 48 Stat. 260; 12 U. S. C., sec. 1131e.)

638-253. Application of earnings: losses in excess of reserve account: restoration of capital impairment; reserve account; guaranty fund; dividends.—Each Production Credit Association shall, at the end of its fiscal year, apply the amount of its earnings in excess of operating expenses during such fiscal year, first, to making up any losses in excess of its reserve for bad and doubtful debts; second, to the restoration of the amount of the impairment, if any, of capital; third, to the creation and maintenance of a reserve account for bad and doubtful debts, the amount of which account shall be prescribed by the Production Credit Corporation; and fourth, to the creation and maintenance of a guaranty fund equal to at least 25 per centum of the paid-in capital of the association. Any sums remaining may, with the approval of the Production Credit Corporation, be devoted to the payment of dividends but no rate of dividend in excess of 7 per centum per annum shall be paid. Sums in the guaranty fund herein provided for shall be invested subject to such rules and regulations as may be prescribed by the Production Credit Corporation. (June 16,

1933, sec. 22, 48 Stat. 261; 12 U. S. C., sec. 1131f.)

638-254. Loans to farmers: terms and conditions.—Each Production Credit Association shall, under such rules and regulations as may be prescribed by the Production Credit Corporation of the district with the approval of the governor, invest its funds and make loans to farmers for general agricultural purposes, but such part of its funds as is represented by the guaranty fund provided for in section 22 shall not be devoted to making loans to farmers. Such loans shall be made on such terms and conditions, at such rates of interest, and with such security as may be prescribed by the Production Credit Corporation. No loan shall be made for a less amount than \$50, nor shall any one borrower be indebted to the association at any one time in an amount in excess of 20 per centum of the capital and guaranty fund of the association or, if the loan is secured by collateral approved by the Corporation, in an amount in excess of 50 per centum of the capital and guaranty fund, but loans may be made to any borrower in an amount in excess of 50 per centum of the capital and guaranty fund if the loan is approved by the Production Credit Commissioner of the Farm Credit Administration. Borrowers shall be required to own, at the time the loan is made, class B stock in an amount equal in fair book value (not to exceed par), as determined by the association, to \$5 per \$100 or fraction thereof of the amount of the loan. Such stock shall not be canceled or retired upon payment of the loan but may be transferred or exchanged as provided in section 21. (June 16, 1933, sec. 23, 48 Stat. 261; 12 U. S. C., sec. 1131g.)

638-255. Same; for home alterations, repairs, and improvements; sale of loans; insurance of loans.—With the approval of the Governor of the Farm Credit Administration and under rules and regulations to be Prescribed by the Production Credit Commissioner, production credit associations organized under the provisions of the Farm Credit Act of 1933 are authorized and empowered (without regard to the provisions of this Act relating to the requirement for the ownership of Class B stock or any other limitations therein contained) (1) to make loans to farmers for the purpose of enabling them to make home

alterations, repairs, and improvements, (2) to sell, discount, assign, or otherwise dispose of any loans made by them under the provisions of this section, under such restrictions and limitations as to endorsement and liability as may be approved by the Governor of the Farm Credit Administration, (3) to avail themselves of the benefits of insurance under the provisions of section 2 of the National Housing Act, and (4) to do all such things as may be reasonably necessary to carry out the provisions of this section. (June 16, 1933, sec. 86 (a); June 27, 1934, sec. 504, 48 Stat. 1263; 12 U. S. C., sec. 1131gg.)

638-256. Borrowing from and rediscounting paper with Federal intermediate credit banks; limitation on power to borrow from or rediscount paper with other institutions.—Production Credit Associations doing business under this Act are authorized to borrow from, and rediscount paper with, Federal Intermediate Credit Banks subject to the restrictions, limitations, and conditions applicable under title II of the Federal Farm Loan Act, as amended (U. S. C., title 12, ch. 8). Except with the approval of the Governor, Production Credit Associations shall not have the power to borrow from or rediscount paper with any other bank or agency. (June 16, 1933, sec. 24, 48 Stat. 261; 12 U. S. C., sec. 1131h.)

638-257. Revolving fund.—(a) There is hereby created a revolving fund of not to exceed \$120,0000,000 which shall be made up as

follows:

(1) The Reconstruction Finance Corporation is authorized and directed to make available to the Governor of the Farm Credit Administration all unobligated balances of the following funds and all sums heretofore returned or released to the corporation from such funds:

(A) Any balances of funds for, and all collections on loans by, the Secretary of Agriculture pursuant to section 2 of the Reconstruction Finance Corporation Act as amended;

(B) All collections on loans made or to be made pursuant to the Act of February 4, 1933 (Public, Numbered 327, Seventy-

second Congress);

(C) All balances of funds authorized and directed to be made available to the Secretary of Agriculture by such Act and not

used for loans pursuant thereto; and

- (D) Any balances of the funds originally directed to be allocated and made available to the Secretary of Agriculture by such Acts except as expended pursuant to subsection (e) of section 201 of the Emergency Relief and Construction Act of 1932.
- (2) There are hereby made available to the Governor of the Farm Credit Administration all unobligated balances of appropriations and funds available thereunder to enable the Secretary of Agriculture to make advances or loans under the following Acts and resolutions, and all repayments of such advances and loans: March 3, 1921 (41 Stat. 1347), March 20, 1922 (42 Stat. 467), April 26, 1924 (43 Stat. 110), February 28, 1927 (44 Stat. 1251), February 25, 1929 (45 Stat. 1306), as amended May 17, 1929 (46 Stat. 3), March 3, 1930 (46 Stat. 78, 79), December 20, 1930 (46 Stat. 1032), as amended February 14, 1931 (46 Stat. 1160), and February 23, 1931 (46 Stat. 1276), and Public Resolution Numbered 11, Seventy-second Congress, approved

March 3, 1932, and the notes or other obligations evidencing such advances and loans and the security therefor are hereby transferred to the Governor of the Farm Credit Administration.

(3) There is hereby authorized to be appropriated the sum of \$40,000,000 out of any money in the Treasury not otherwise appro-

priated.

(b) There is hereby authorized to be appropriated the sum of \$2,000,000, which shall remain available until expended, for all necessary administrative expenses in connection with the establishment and supervision of the Production Credit Corporations and the Production Credit Associations.

(c) The authority of the Governor of the Farm Credit Administration to allocate and expend out of the funds covered by subsection (a) of this section such amounts as he shall deem necessary for salaries, expenses, and all other administrative expenditures in the execution of the functions for which such funds have hitherto been available shall not be deemed to be restricted by this section.

(d) The authority to make loans during the calendar year 1933 pursuant to the Act of February 4, 1933 (Public Numbered 327, Seventy-second Congress), as amended, out of funds made available by that Act shall not be deemed to be restricted by this section.

(e) The amount of all balances, collections, and appropriations allocated under subsection (a) to the revolving fund created thereunder, which is in excess of \$120,000,000, is hereby made available to the Governor of the Farm Credit Administration for the establishment of a revolving fund of not to exceed \$40,000,000. Out of such revolving fund, the Governor is authorized to allocate and, with the approval of the Secretary of the Treasury, to expend such amounts as he deems necessary for subscriptions to the capital stock and/or paid-in surplus of Federal Intermediate Credit Banks. (June 16, 1933, sec. 5, 48 Stat. 258; Jan. 31, 1934, secs. 14, 15 (a), 48 Stat. 348; 12 U. S. C., sec. 1131i.)

638-258. Loans to oyster planters; purchase and discounting paper by Federal intermediate credit banks.—That, subject to the approval of the Governor of the Farm Credit Administration and under rules and regulations to be prescribed by the Production Credit Commissioner. production credit associations organized under the Farm Credit Act of 1933 are authorized to make loans to oyster planters; to sell, discount, assign, or otherwise dispose of any loans made by them under the provisions of this Act; and to do any and all other things necessary to carry these provisions into effect. With the approval of the Governor of the Farm Credit Administration and under rules and regulations to be prescribed by the Intermediate Credit Commissioner, the Federal intermediate credit banks are authorized and empowered to discount for or purchase from any production credit association any note, draft, or other such obligation representing a loan or loans made under the provisions of this Act; and to make loans or advances direct to any such organization secured by such obligations. (June 18, 1934, 48 Stat. 983; June 3, 1935, sec. 17 (c), 49 Stat. 318; 12 U. S. C., sec. 1131j.)

638-259. Regional banks; establishment; number; location.—The Governor of the Farm Credit Administration, hereinafter in this Act referred to as the "governor", is authorized and directed to organize

and charter twelve corporations to be known as "Production Credit Corporations" and twelve banks to be known as "Banks for Cooperatives." One such corporation and one such bank shall be established in each farm credit district in the city in which there is located a Federal land bank. The members of the several farm credit boards of the farm credit districts provided for in the Farm Credit Act of 1937 shall be ex officio the directors of the respective production credit corporations and banks for cooperatives. Such directors shall have power, subject to the approval of the governor, to employ and fix the compensation of such officers and employees of such corporations and banks as may be necessary to carry out the powers and duties conferred upon such corporations and banks under this Act. (June 16, 1933, sec. 2, 48 Stat. 257; Aug. 19, 1937, sec. 11, 50 Stat. 708; 12 U. S. C., sec. 1134.)

638-260. Charters and bylaws.—The charters of the Production Credit Corporations and the Banks for Cooperatives shall be granted by the governor upon application of the directors of the Federal land banks of the proper district, and applications and charters shall be in such form as the governor shall prescribe. The directors shall have power, subject to the approval of the governor, to adopt such bylaws as may be necessary for the conduct of the business of the corporations and banks. (June 16, 1933, sec. 3, 48 Stat. 257; 12

U. S. C., sec. 1134a.)

638-261. Capital stock; amount; values of shares; payments from revolving fund for stock purchased by Government.—The capital stock of each Bank for Cooperatives established under section 2 shall be in such amount as the governor determines is required for the purpose of meeting the credit needs of eligible borrowers from the bank under this title, and such amount may be increased or decreased from time to time by the governor in accordance with such needs. Such stock shall be divided into shares of \$100 each. Out of the revolving fund created under section 6 of the Agricultural Marketing Act, as amended, the governor, on behalf of the United States, shall make payments for stock in the banks and such payments shall be subject to call in whole or in part by the board of directors of the bank with the approval of the governor. (June 16, 1933, sec. 40, 48 Stat. 264; 12 U. S. C., sec. 1134b.)

638–262. Lending power.—Subject to such terms and conditions as may be prescribed by the Farm Credit Administration, the banks for cooperatives are authorized (a) to make loans to cooperative associations as defined in the Agricultural Marketing Act, as amended, for any of the purposes and subject to the conditions and limitations set forth in such Act, as amended; (b) to make loans (by way of discount or otherwise) to any bank organized under this Act; (c) to buy from, and sell to, any such bank or any Federal intermediate credit bank any note, draft, bill of exchange, debenture, or other obligation, or any interest therein; and (d) to borrow from, and discount or rediscount paper with, any and all such banks and commercial banks. (June 16, 1933, sec. 41, 48 Stat. 264; June 3, 1935, sec. 14, 49 Stat. 316; Aug. 19, 1937, sec. 36, 50 Stat. 717; 12 U. S. C., sec. 1134c.)

638-263. Ownership of stock in banks by borrowing associations; earnings and reserves of banks.—The provisions of sections 35 and 36 shall apply in the case of Banks for Cooperatives in the same manner and to the same extent as such provisions are applicable to the Central

Bank for Cooperatives, except that powers conferred on the chairman of the board of the Central Bank shall be exercised by the boards of directors of the Banks for Cooperatives, subject to the approval of the governor. (June 16, 1933, sec. 42, 48 Stat. 264; 12 U. S. C.,

sec. 1134d.)

638-264. Retirement of stock held by Government.—The governor may at any time require any such bank to retire and cancel stock held by the governor in such bank, if, in the judgment of the governor, the bank has resources available therefor, and amounts received by the governor in any such case shall be credited to the revolving fund created under section 6 of the Agricultural Marketing Act, as amended. (June 16, 1933, sec. 43, 48 Stat. 265; 12 U. S. C., sec. 1134e.)

638-265. Central bank; establishment; location.—The governor is authorized and directed to organize and charter a corporation to be known as the "Central Bank for Cooperatives" with its principal office in the District of Columbia and such other offices as in the opinion of the governor may be necessary. (June 16, 1933, sec. 30,

48 Stat. 261; 12 U. S. C., sec. 1134f.)

638-266. Board of directors.—(a) The board of directors of the Central Bank for Cooperatives shall consist of seven members, one of whom shall be the Cooperative Bank Commissioner of the Farm Credit Administration, who shall be chairman of the board of directors. The other six directors shall be appointed by the governor, of whom the successors of three first appointed shall be appointed from nominees selected by borrowers as provided in subsection (b). The terms of the directors first appointed shall be for one, two, and three years as designated by the governor at the time of appointment and their successors shall hold their offices during a term of three years, but a director appointed to fill a vacancy shall hold his office for the unexpired term of the director whose place he is selected to fill. Any appointed director may at any time be removed for cause by the governor. No compensation shall be paid any director as a director of the corporation but the corporation, subject to the approval of the governor, may allow directors a reasonable per diem and expenses.

(b) The successors of three of the directors first appointed shall be selected one each year by the governor from among individuals nominated by borrowers (except Banks for Cooperatives). The governor shall, not less than sixty days prior to the end of the term of any director whose successor is to be appointed from among nominees as herein provided, or as soon as practicable after a vacancy occurs in the office of such director other than by the expiration of his term, cause notice of the vacancy to be sent to each borrower eligible to vote for nominees. Each such borrower shall be eligible to cast one vote. The governor shall not count any ballot received after the expiration of thirty days after the sending of notice. From those (not exceeding three) receiving the highest number of votes, as shown by his count, the governor shall appoint the director. (June 16, 1933, sec. 31, 48 Stat. 262; 12 U. S. C., sec. 1134g.)

638-267. Powers of board of directors; chairman of board.—The chairman of the board of the corporation shall be the executive officer of the corporation and the powers of the board of directors shall

be such powers as may be prescribed in the charter and bylaws. (June 16, 1933, sec. 32, 48 Stat. 262; 12 U. S. C., sec. 1134h.)

638-268. Capital stock.—The capital stock of the central bank shall be in such amount as the governor determines is required for the purpose of meeting the credit needs of eligible borrowers from the bank under this title, and the governor may from time to time increase or decrease such amount, subject to the limitations contained in sections 35 and 37, in accordance with such needs. The stock of such bank shall be divided into shares of \$100 each. Out of the revolving fund created under section 6 of the Agricultural Marketing Act, as amended, the governor, on behalf of the United States, shall subscribe for and make payments for stock in the Central Bank and such payments shall be subject to call in whole or in part by the chairman of the board of the Central Bank with the approval of the governor. (June 16, 1933, sec. 33, 48 Stat. 262; 12 U. S. C., sec. 1134i.)

638-269. Lending power; prevention of duplication of effort on the part of central bank and banks for cooperatives.—Subject to such terms and conditions as may be prescribed by the chairman of its board of directors, the Central Bank is authorized: (a) to make loans to cooperative associations as defined in the Agricultural Marketing Act, as amended, for any of the purposes and subject to the conditions and limitations set forth in such Act, as amended; (b) to make loans (by way of discount or otherwise) to banks for cooperatives organized under section 2 of this Act; (c) to buy from, and sell to, any such bank or any Federal intermediate credit bank any note, draft, bill of exchange, debenture, or other obligation, or any interest therein; and (d) to borrow from, and discount or rediscount paper

with, any and all such banks and commercial banks.

The governor shall, by regulation or by prescribing the terms of the charters issued to the Central Bank for Cooperatives and the Banks for Cooperatives, or both, provide such limitations, as between the two types of banks, on the classes of borrowers to which loans may be made and the amount of the loans which may be made to individual borrowers, as will best insure the absence of duplication of effort by the two types of banks and will secure the greatest efficiency in extending the benefits of this title and Title IV to borrowers. (June 16, 1933, secs. 34, 38, 48 Stat. 262, 264; June 3, 1935, sec. 13, 49 Stat. 317; Aug. 19, 1937, sec. 35, 50 Stat. 717; 12 U. S. C.,

sec. 1134j.)

638-270. Ownership of stock by associations borrowing from bank; payment into bank's guaranty fund by associations not authorized to purchase stock.—(a) Cooperative associations borrowing from the Central Bank shall be required to own, at the time the loan is made, an amount of stock of the bank equal in fair book value (not to exceed par), as determined by the bank, to \$100 per \$2,000 or fraction thereof of the amount of the loan, except that, in connection with any loan made on the security of commodities, the borrower shall be required to own, at the time the loan is made, only such amount of stock as may be prescribed by rules and regulations of the Governor. Upon discharge of the loan, stock held by the borrowing association may be, and upon the concurrent or subsequent request of the borrowing association shall be, retired and canceled, and the association shall be paid therefor an amount equal to the amount paid for such stock or loaned to subscribe

therefor, as the case may be, minus the pro rata impairment, if any, of capital and guaranty fund of the Central Bank, as determined by

the Chairman of the Board of the Central Bank.

(b) In any case in which a cooperative association applying for a loan is not authorized, under the law of the State in which it is organized, to subscribe for stock in the Central Bank, the bank shall, in lieu of stock subscription, require the borrowing association to pay into a guaranty fund, or the bank may retain out of the amount of the loan and credit to the guaranty fund, an amount equal to the amount which the borrowing association would have been required to own in stock if such association had been authorized to hold such stock. Upon discharge of its loan, the provisions of the last sentence of subsection (a) shall apply with respect to sums of such association in the guaranty fund in the same manner as if such sums were represented by stock.

(c) In any case where the debt of a borrower to the Central Bank is in default, the bank may, in accordance with rules and regulations prescribed by the Governor, retire and cancel all or a part of the stock of the defaulting borrower at the fair book value thereof (not exceeding par), in total or partial liquidation of the debt, as the case may be. (June 16, 1933, sec. 35, 48 Stat. 263; June 3, 1935, sec. 15, 49 Stat.

318; 12 U. S. C., sec. 1134k.)

638-271. Earnings and reserves; guaranty fund; surplus; dividends to stockholders and subscribers to guaranty fund; application of dividends on Government-owned stock.—The Central Bank for Cooperatives shall. at the end of its fiscal year, apply the amount of its earnings in excess of operating expenses during such fiscal year, first, to making up any losses incurred; second, to the restoration of the amount of the impairment, if any, of capital and guaranty fund as determined by the chairman of the board; and at least 25 per centum of the remainder of such excess of earnings shall be applied to the creation and maintenance of a surplus equal to at least 25 per centum of the amount of the capital and guaranty fund. Any sums remaining may, with the approval of the chairman of the board, be devoted to the payment of dividends. Subscribers to the guaranty fund shall be entitled to dividends in the same amounts as subscribers to stock. No rate of dividend in excess of 7 per centum per annum shall be paid. Dividends on stock held by the governor, when paid, shall be credited to the revolving fund created under section 6 of the Agricultural Marketing Act, as (June 16, 1933, sec. 36, 48 Stat. 263; 12 U. S. C., sec. 1134l.)

638-272. Debentures; amount; security; preparation and issue; custody of collateral.—The Central Bank is authorized to issue debentures, but the amount of debentures which may be outstanding may not exceed at any one time five times the paid-in capital and surplus of the bank. Such debentures shall be issued at such times and subject to such terms and conditions as the board of directors shall determine but shall bear such interest rates as may be fixed by the chairman of the board. Such debentures shall be secured by collateral which shall be at least equal in value to the amount of debentures outstanding and which shall consist of cash, direct obligations of the United States, or notes or other obligations discounted or purchased or representing loans made under section 34. The provisions of law applicable to the preparation and issue of Federal intermediate credit bank debentures shall, so far as applicable, govern the preparation and issue of debentures issued under this section. The governor shall appoint a custodian of such

collateral who shall have power subject to such rules and regulations as the governor may prescribe to approve and accept substitutions of collateral. (June 16, 1933, sec. 37, 48 Stat. 263; 12 U.S. C., sec. 1134m.)

638-273. Provisions common to corporations, associations, and banks: general corporate powers.—The Central Bank for Cooperatives, and the Production Credit Corporations, the Production Credit Associations, and the Banks for Cooperatives, organized under this Act, shall have succession, until dissolved in accordance with this or any other Act of Congress; shall have power to sue and be sued in any court, to adopt and use a corporate seal, to make contracts, to acquire, hold, and dispose of real and personal property necessary and incident to the conduct of their business, to prescribe fees and charges (which in any case shall be subject to the rules and regulations prescribed by the governor) for loans and other services; and shall have such other powers necessary and incident to carrying out their powers and duties under this or any other Act of Congress as may be provided by the governor in their charters or in any amendments thereto. Each such bank, association, or corporation shall, for the purposes of jurisdiction, be deemed a citizen of the State or District within which its principal office is located. No district court of the United States shall have jurisdiction of any action or suit by or against any Production Credit Corporation or Production Credit Association upon the ground that it was incorporated under this Act or that the United States owns a majority of the stock in it, nor shall any district court of the United States within the farm credit district served by such association or corporation have jurisdiction by removal or otherwise of any suit by or against any such association or corporation except in cases by or against the United States or by or against any officer of the United States and except in cases by or against any receiver of any such corporation or association appointed in accordance with section 65. (June 16, 1933, sec. 60, 48 Stat. 266; Aug. 19, 1937, sec. 5 (a), 50 Stat. 704; 12 U.S.C., sec. 1138.)

638–274. Examinations; assessments against corporations for cost of examinations.—At least once each year and at such other times as the governor deems necessary, the Central Bank for Cooperatives, and each Production Credit Corporation, Production Credit Association, and Bank for Cooperatives, organized under this Act, shall be examined by examiners designated by the governor. The governor shall assess the cost of such examinations against the bank, association, or corporation examined, which shall pay such costs to the governor. The amounts so assessed and unpaid shall be a prior lien on all assets of the bank, association, or corporation examined except on assets pledged to secure loans. (June 16, 1933, sec. 61, 48 Stat. 267; 12 U. S. C., sec. 1138a.)

638-275. Fiscal agents of United States.—The Central Bank for Cooperatives, the Production Credit Corporations, Production Credit Associations, the Federal Farm Mortgage Corporation, and Banks for Cooperatives, organized under this Act, when designated for that purpose by the Secretary of the Treasury, shall act as fiscal agents of the United States Government and when acting as such shall perform such duties as shall be prescribed by the Secretary of the Treasury. (June 16, 1933, sec. 62, 48 Stat. 267; Jan. 31, 1934, sec. 11, 48 Stat.

347; 12 U. S. C., sec. 1138b.)

638-276. Tax exemption; realty and tangible personalty as subject to taxation; termination of tax exemption after retirement of Governmentowned stock.—The Central Bank for Cooperatives, and the Production Credit Corporations, Production Credit Associations, and Banks for Cooperatives, organized under this Act, and their obligations, shall be deemed to be instrumentalities of the United States, and as such, any and all notes, debentures, bonds, and other such obligations issued by such banks, associations, or corporations shall be exempt both as to principal and interest from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States or by any State, Territorial, or local taxing authority. Such banks, associations, and corporations, their property, their franchises, capital, reserves, surplus, and other funds, and their income, shall be exempt from all taxation now or hereafter imposed by the United States or by any State, Territorial, or local taxing authority; except that any real property and any tangible personal property of such banks, associations, and corporations shall be subject to Federal, State, Territorial, and local taxation to the same extent as other similar property is taxed. The exemption provided herein shall not apply with respect to any Production Credit Association or its property or income after the stock held in it by the Production Credit Corporation has been retired, or with respect to the Central Bank for Cooperatives, or any Production Credit Corporation or Bank for Cooperatives, or its property or income after the stock held in it by the United States has been retired. (June 16, 1933, sec. 63, 48 Stat. 267: 12 U. S. C., sec. 1138c.)

638-277. Offenses and penalties.—

Overvaluation of property; false representation. (a) Whoever makes any material representation knowing it to be false, or whoever willfully overvalues any property or security, for the purpose of influencing in any way the action of the Farm Credit Administration, any Federal intermediate credit bank, or the Federal Farm Mortgage Corporation, or any division, officer, or employee thereof, or of any corporation organized under this Act, or in which a Production Credit Corporation organized under this Act holds stock, or of any regional agricultural credit corporation established pursuant to subsection (e) of section 201 of the Emergency Relief and Construction Act of 1932, upon any application, advance, discount, purchase or repurchase agreement, or loan, or any change or extension of any of the same, by renewal, deferment of action or otherwise, or the acceptance, release, or substitution of security therefor, shall be punished by a fine of not more than \$5,000, or by imprisonment for not more than two years or both.

Forgery, counterfeiting, alterations, etc., of obligations. (b) Whoever (1) falsely makes, forges, or counterfeits any note, debenture, bond, or other obligation, coupon, or paper in imitation of or purporting to be a note, debenture, bond, or other obligation, coupon, or paper issued by the Farm Credit Administration, any Federal intermediate credit bank, or the Federal Farm Mortgage Corporation, or by any corporation referred to in subsection (a) of this section; or (2) passes, utters, or publishes, or attempts to pass, utter, or publish, any false, forged, or counterfeited note, debenture, bond, or other obligation, coupon, or paper, purporting to have been issued by the Farm Credit Administration, any Federal intermediate credit bank, or the Federal Farm Mort-

gage Corporation, or by any such corporation, knowing the same to be false, forged, or counterfeited; or (3) falsely alters any note, debenture, bond, or other obligation, coupon, or paper issued or purporting to have been issued by the Farm Credit Administration, any Federal intermediate credit bank, or the Federal Farm Mortgage Corporation, or by any such corporation; or (4) passes, utters, or publishes, or attempts to pass, utter, or publish, any of the same as true, knowing it to be falsely altered or spurious, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than five years, or both.

Embezzlement, misapplication, etc., of anything of value belonging to corporation or to administration; false entries; unauthorized making, issuing, or assigning of instrument; personally benefiting from business of (c) Whoever, being an employee, officer, or agent of the Farm Credit Administration, any Federal intermediate credit bank, or the Federal Farm Mortgage Corporation, or connected in any capacity with any corporation referred to in subsection (a) of this section, (1) embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to the Farm Credit Administration, any Federal intermediate credit bank, or the Federal Farm Mortgage Corporation, or such corporation or pledged or otherwise intrusted to the same; or (2) with intent to defraud the United States, or any such corporation, or any other body politic or corporate, or any individal, or to deceive any officer, auditor, or examiner of the Farm Credit Administration, any Federal intermediate credit bank, or the Federal Farm Mortgage Corporation, or of any such corporation, makes any false entry in any book, report, or statement of or to the Farm Credit Administration, any Federal intermediate credit bank, or the Federal Farm Mortgage Corporation, or any such corporation, or draws any order, or issues, puts forth, or assigns any note, debenture, bond, or other obligation, or draft, mortgage, judgment, or decree thereof; or (3) with intent to defraud the United States or any corporation referred to in subsection (a) of this section, participates or shares in or receives directly or indirectly any money, profit, property, or benefits through any transaction, loan, commission, contract, or any other act of any such corporation, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than five years, or both.

Concealment, conversion, etc., of property mortgaged or pledged to, or held by corporation or administration. (d) Whoever knowingly, with intent to defraud the United States or any corporation referred to in subsection (a) of this section, shall conceal, remove, dispose of, or convert, to his own use or to that of another, any property mortgaged or pledged to, or held by, the Farm Credit Administration, any Federal intermediate credit bank, or the Federal Farm Mortgage Corporation, or any such corporation, as security for any obligation, shall be punished by a fine of not more than \$5,000, or by imprisonment for not

more than two years, or both.

Applicability of criminal code provisions to transactions of corporations and administration, any Federal intermediate credit bank or the Federal Farm Mortgage Corporation. (e) The provisions of sections 112, 113, 114, 115, 116, and 117 of the Criminal Code of the United States (U. S. C., title 18, secs. 202 to 207, inclusive), in so far as applicable, are extended to apply to contracts or agreements made by the Farm

Credit Administration, any Federal intermediate credit bank, or the Federal Farm Mortgage Corporation, its divisions, officers, and employees, and by the corporations referred to in subsection (a) of this section, which, for the purposes hereof, shall be held to include advances, loans, discounts, and purchase and repurchase agreements; extensions and renewals thereof; and acceptances, releases, and substitutions of security therefor.

Conspiracy. (f) Whoever conspires with another to accomplish any of the acts made unlawful by the preceding provisions of this section shall, on conviction thereof, be subject to the same fine or imprisonment, or both, as is applicable in the case of conviction for doing such unlawful act. (June 16, 1933, sec. 64 (a) to (f), 48 Stat. 267; Jan. 31, 1934, sec. 13, 48 Stat. 347; 12 U. S. C., sec. 1138d (a) to (f).)

638-278. Receivership: voluntary liquidation.—Upon default of any obligation of any Production Credit Corporation, Production Credit Association, or regional Bank for Cooperatives, such bank, association, or corporation may be declared insolvent and placed in the hands of a receiver by the governor and proceedings shall thereupon be had in accordance with the provisions of law relating to the insolvency of national farm-loan associations. Any such bank, association, or corporation may, with the consent of the governor, liquidate voluntarily, but only in accordance with such rules and regulations as the governor may prescribe. (June 16, 1933, sec. 65, 48 Stat. 269; 12 U. S. C., sec. 1138e.)

638-279. Limitation on compensation payable to director, officer, or employee.—No director, officer, or employee of the Central Bank for Cooperatives, or of any Production Credit Corporation, Production Credit Association, or Bank for Cooperatives shall be paid compensation at a rate in excess of \$10,000 per annum. No officer or employee of the Farm Credit Administration engaged in carrying out the provisions of titles I to VI, inclusive, of this Act shall be paid compensation at a rate in excess of \$10,000 per annum. (June 16, 1933, sec. 66,

48 Stat. 269; 12 U. S. C., sec. 1138f.)
638-280. Agricultural Marketing Act; declaration of policy; effective merchandising of agricultural commodities; speculation; cooperative marketing; surpluses; administration of .— (a) That it is hereby declared to be the policy of Congress to promote the effective merchandising of agricultural commodities in interstate and foreign commerce, so that the industry of agriculture will be placed on a basis of economic equality with other industries, and to that end to protect, control, and stabilize the currents of interstate and foreign commerce in the marketing of agricultural commodities and their food products—

(1) by minimizing speculation.

(2) by preventing inefficient and wasteful methods of distribution.

(3) by encouraging the organization of producers into effective associations or corporations under their own control for greater unity of effort in marketing and by promoting the establishment and financing of a farm marketing system of producer-owned and producer-controlled cooperative associations and other agencies.

(4) By aiding in preventing and controlling surpluses in any agricultural commodity, through orderly production and distribution, so as to maintain advantageous domestic markets and prevent such surpluses from causing undue and excessive fluctuations or depressions

in prices for the commodity.

(b) There shall be considered as a surplus for the purposes of this Act any seasonal or year's total surplus, produced in the United States and either local or national in extent, that is in excess of the requirements for the orderly distribution of the agricultural commodity or is in excess of the domestic requirements for such commodity.

(c) The Federal Farm Board [now Farm Credit Administration]* shall execute the powers vested in it by this Act only in such manner as will, in the judgment of the board [now administration]*, aid to the fullest practicable extent in carrying out the policy above de-

clared. (June 15, 1929, sec. 1, 46 Stat. 11; U. S. C., sec. 1141.)

638-281. Federal Farm Board.—(June 15, 1929, sec. 2, 46 Stat. 11; 12 U. S. C., sec. 1141a.) [This section rendered obsolete by Executive Order 6084, set out on page 254 of this volume, except insofar as it affects the qualifications, appointment, business engagements, salary, and expenses of the Governor of the Farm Credit Administration, formerly known as chairman of the Federal Farm Board.]

638-282. General powers of Farm Credit Administration.—The board

[now administration]*—

(1) shall maintain its principal office in the District of Columbia, and such other offices in the United States as in its judgment are necessary.

(2) shall have an official seal which shall be judicially noticed.

(3) shall make an annual report to Congress upon the administration of this Act and any other matter relating to the better effectuation of the policy declared in section 1, including recommendations for legislation.

(4) may make such regulations as are necessary to execute the

functions vested in it by this Act.

(5) may appoint and fix the salaries of a secretary and such experts, and, in accordance with the Classification Act of 1923, as amended, and subject to the provisions of the civil service laws, such other officers and employees, as are necessary to execute such functions.

(6) may make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding) as are necessary to execute such functions. Expenditures by the board [now administration]* shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chair-

man [now governor]* of the board [now administration]*.

(7) may sell at public or private sale to the highest responsible bidder, upon such terms and after such public advertisement as the Farm Credit Administration may deem in the public interest, any property, real or personal, or any interest therein, acquired by the United States on account of or as a result of any loans made from the revolving fund authorized by section 6 of this Act, as amended; may lease any such property, pending its sale, on such terms and for such period, not in excess of five years, as the Farm Credit Administration may deem in the public interest; and may incur and pay, from the said revolving fund, obligations and expenses for the operation, upkeep, maintenance, repair, disposition, insurance, and protection of any such property: Provided, That section 3709 of the Revised Statutes shall not be construed to apply to any purchase or service on ac-

^{*}See Ex. Or. 6084, p. 254, this volume.

count of such property. (June 15, 1929, sec. 4, 46 Stat. 13; Aug. 19, 1937, sec. 37, 50 Stat. 717; 12 U. S. C., sec. 1141b.)

638-283. Special powers of administration.—The board [now adminis-

tration]* is authorized and directed—

(1) to promote education in the principles and practices of cooperative marketing of agricultural commodities and food products thereof.

(2) to encourage the organization, improvement in methods, and

development of effective cooperative associations.

(3) to keep advised from any available sources and make reports as to crop prices, experiences, prospects, supply, and demand, at home and abroad. (June 15, 1929, sec. 5, 46 Stat. 13; June 16, 1933, sec.

50 (a), 48 Stat. 265; 12 U.S. C., sec. 1141c.)

638–284. Revolving fund.—There is hereby authorized to be appropriated the sum of \$500,000,000 which shall be made available by the Congress as soon as practicable after the approval of this Act and shall constitute a revolving fund to be administered by the board [now administration]* as provided in this Act. Any and all funds derived from the sale, lease, operation, or other disposition of any property, real or personal, acquired by the United States on account of or as a result of any loan made pursuant to the provisions of this Act, shall be covered into and become a part of said revolving fund. (June 15, 1929, sec. 6, 46 Stat. 14; June 16, 1933, secs. 33, 34, 40, 41, 48 Stat. 262, 264; Aug. 19, 1937, sec. 38, 50 Stat. 718; 12 U. S. C.,

sec. 1141d.)

638-285. Interest rates on loans made from revolving fund.—That interest rates in excess of the rates set forth in notes or other obligations taken by the Federal Farm Board or the Farm Credit Administration for loans made from the revolving fund authorized by section 6 of the Agricultural Marketing Act, approved June 15, 1929 (46 Stat. 11), shall not be charged or collected on any of said loans, whether such loans have been heretofore or are hereafter paid in whole or in part, except that in those cases where a borrower by specific contract has agreed to pay a higher rate of interest, the contract rate shall be charged for the period agreed upon; and the amount of any interest collected in excess of the rates thus set forth or contracted for shall be refunded out of said fund or credited on the borrower's indebtedness. (June 22, 1939, 53 Stat. 853; 12 U.S.C., 1141d-1. This section is not a part of the Agricultural Marketing Act.)

638-286. Loans to cooperative associations.—(a) Upon application by any cooperative association the board [now administration] * is authorized to make loans to it from the revolving fund to assist in—

(1) the effective merchandising of agricultural commodities and

food products thereof and the financing of its operations;

(2) the construction or acquisition by purchase or lease, or refinancing the cost of such construction or acquisition, of physical facilities.

(b) No loan shall be made to any cooperative association unless, in the judgment of the board [now administration]*, the loan is in furtherance of the policy declared in section 1 and the cooperative association applying for the loan has an organization and

^{*}See Ex. Or. 6084, p. 254, this volume.

management, and business policies, of such character as to insure the reasonable safety of the loan and the furtherance of such policy.

(c) Loans for the construction or acquisition by purchase or lease of physical facilities, or for refinancing the cost of such construction or acquisition, shall be subject to the following conditions:

(1) No loan shall be made in an amount in excess of 60 per centum

of the appraised value of the security therefor.

(2) No loan for the purchase or lease of such facilities shall be made unless the Governor of the Farm Credit Administration finds

that the purchase price or rent to be paid is reasonable.

(d) Loans for the construction or purchase of physical facilities, together with interest on the loans, shall be repaid upon an amortization plan over a period not in excess of twenty years. (June 15, 1929, sec. 7, 46 Stat. 14; June 16, 1933, secs. 50–53, 48 Stat. 265; June 3, 1935, secs. 9, 10, 49 Stat. 316; 12 U. S. C., sec. 1141e.)

NOTE.—Subsection (a) of this section originally contained a third paragraph, relating to loans to assist in forming clearing house associations, which was repealed by section 50(a) of the Farm Credit Act of June 16, 1933.

Subsection (a) of this section originally contained a fourth paragraph, relating to loans for education in the advantages of cooperative marketing, which was

repealed by section 50(a) of the Farm Credit Act of June 16, 1933.

Subsection (a) of this section originally contained a fifth paragraph, as follows: "(5) enabling the cooperative association applying for the loan to advance to its members a greater share of the market price of the commodity delivered to the association than is practicable under other credit facilities."

This paragraph was repealed by section 50(a) of the Farm Credit Act of June

16, 1933, subject to the following provision of section 50(b) of that Act:

"The repeal of section 7(a) (5) shall not be construed to prohibit the extension, renewal, or refinancing of any loan made thereunder and outstanding on the date of the enactment of this Act, but loans to extend, renew, or refinance any such loan shall bear interest rates as determined under section 8(a) of the Agricultural Marketing Act as amended by section 54 of this Act."

See paragraphs 638-261 and 638-268 of this volume for loans to cooperative associations by banks for cooperatives, established under the Farm Credit Act of June 16, 1933, and capitalized from the revolving fund provided for in paragraph

638-283 hereof.

638-287. Miscellaneous loan provisions.—(a) Loans to any cooperative association shall bear such rates of interest as the Governor of the Farm Credit Administration shall from time to time determine to be necessary for the needs of the lending agencies and shall by regulation prescribe (but in no case shall the rate of interest exceed 6 per centum per annum on the unpaid principal): Provided, however, That the rate of interest on any loan made under the provisions of section 7 (a) (1) hereof, other than upon the security of commodities, shall conform as nearly as may be practicable to a rate 1 per centum in excess of the prevailing interest rate paid by production credit associations to the Federal intermediate credit bank of the farm credit district in which the principal business office of the borrower is located; the rate of interest on any loan made upon the security of commodities shall conform, as nearly as may be practicable, to the prevailing interest rate on commodity loans charged borrowers from the Federal intermediate credit bank of the farm credit district in which the principal business office of the borrower is located; and that the rate of interest on any loan made under the provisions of section 7 (a) (2) hereof shall conform as nearly as may be practicable to the prevailing rate on mortgage loans made to members of national farm loan associations.

¹So in original.

(b) Payments of principal or interest upon any such loan or advance

shall be covered into the revolving fund.

(c) Loans to any cooperative association or stabilization corporation shall be made upon the terms specified in this Act and upon such other terms not inconsistent therewith and upon such security as the

board [now administration]* deems necessary.

(d) No loan or insurance agreement shall be made by the board [now administration]* if in its judgment the agreement is likely to increase unduly the production of any agricultural commodity of which there is commonly produced a surplus in excess of the annual marketing requirements. (June 15, 1929, sec. 8, 46 Stat. 14; June 16, 1933, sec. 54, 48 Stat. 266; June 3, 1935, sec. 11, 49 Stat. 316; Aug. 19, 1937, sec. 5 (a), 50 Stat. 704; 12 U. S. C., sec. 1141f.)

638-288. Stabilization corporations.—(a) The board [now administration]* may, upon application of the advisory commodity committee for any commodity, recognize as a stabilization corporation for the

commodity any corporation if-

(1) The board [now administration]* finds that the marketing situation with respect to the agricultural commodity requires or may require the establishment of a stabilization corporation in order effectively to carry out the policy declared in section 1; and

(2) The board [now administration]* finds that the corporation is

duly organized under the laws of a State or Territory; and

(3) The Board [now administration]* finds that all the outstanding voting stock or membership interests in the corporation are and may be owned only by cooperative associations handling the commodity; and

(4) The corporation agrees with the board [now administration]* to adopt such by-laws as the board [now administration]* may from time to time require, which by-laws, among other matters, shall permit cooperative associations not stockholders or members of the corporation to become stockholders or members therein upon equitable terms.

(b) Any stabilization corporation for an agricultural commodity (1) may act as a marketing agency for its stockholders or members in preparing, handling, storing, processing, and merchandising for their account any quantity of the agricultural commodity or its food products, and (2) for the purpose of controlling any surplus in the commodity in furtherance of the policy declared in section 1, may prepare, purchase, handle, store, process, and merchandise, otherwise than for the account of its stockholders or members, any quantity of the agricultural commodity or its food products whether or not such commodity or products are acquired from its stockholders or members.

(c) Upon request of the advisory committee for any commodity the board [now administration]* is authorized to make loans from the revolving fund to the stabilization corporation for the commodity for working capital to enable the corporation to act as a marketing agency for its stockholders or members as hereinbefore provided. Not less than 75 per centum of all profits derived by a stabilization corporation each year from its operations as such a marketing agency shall be paid into a merchandising reserve fund to be established by the corporation. No such payment shall be required whenever the fund is in such amount as, in the judgment of the board [now ad-

^{*}See Ex. Or. 6084, p. 254, this volume.

ministration]*, constitutes a sufficient reserve for such operations of the corporation. Out of the remainder of such profits for the year the corporation shall repay any outstanding loan made under this subdivision and the accrued interest thereon, or if all such loans and accrued interest have been fully repaid, then it may distribute a patronage dividend to its stockholders or members. Such patronage dividend shall be paid to each stockholder or member on the basis of the total volume of the commodity or its products for the year

marketed for his account through the corporation.

(d) Upon request of the advisory committee for any commodity the board [now administration]* is authorized to make loans from the revolving fund to the stabilization corporation for the commodity to enable the corporation to control any surplus in the commodity as hereinbefore provided and for meeting carrying and handling charges and other operating expenses in connection therewith. The board [now administration]* shall require a stabilization corporation to establish and maintain adequate reserves from its profits from its surplus control operations before it shall pay any dividends out of such profits. All losses of the corporation from such operations shall be paid from such reserves, or if such reserves are inadequate, then such losses shall be paid by the board [now administration]* as a loan from the revolving fund. Any amounts so loaned for payment of losses shall be repaid into the revolving fund by the corporation from future profits from its surplus control operations. Any stabilization corporation receiving loans under this subdivision for surplus control operations shall exert every reasonable effort to avoid losses and to secure profits, but shall not withhold any commodity from the domestic market if the prices have become unduly enhanced, resulting in distress to domestic consumers. Stockholders or members of the corporation shall not be subject to assessment for any losses incurred in surplus control operations of the corporation.

(e) A stabilization corporation shall keep such accounts, records, and memoranda, and make such reports with respect to its transactions, business methods, and financial condition, as the board [now administration]* may from time to time prescribe; shall permit the board [now administration]* to audit its accounts annually and at such other times as the board [now administration]* deems advisable; and shall permit the board [now administration]*, upon its own initiative or upon written request of any stockholder or member, to investigate the financial condition and business methods of the

corporation.

(f) No loan shall be made to any stabilization corporation unless, in the judgment of the board [now administration]*, the loan is in furtherance of the policy declared in section 1. (June 15, 1929, sec.

9, 46 Stat. 14; 12 U. S. C., sec. 1141g.)

638-289. Avoidance of duplication; cooperation with other governmental establishments; obtaining information and data; cooperation with States, Territories, and agencies or subdivisions thereof; indicating research problems; transfer of offices, functions, etc.—(a) The board [now administration]* shall, in cooperation with any governmental establishment in the Executive branch of the Government, including any field service thereof at home or abroad, avail itself of the services

^{*}See Ex. Or. 6084, p. 254, this volume.

and facilities thereof in order to avoid preventable expense or dupli-

cation of effort.

(b) The President may by Executive order direct any such governmental establishment to furnish the board [now administration]* such information and data as such governmental establishment may have pertaining to the functions of the board [now administration]*; except that the President shall not direct that the board [now administration]* be furnished with any information or data supplied by any person in confidence to any governmental establishment in pursuance of any provision of law or of any agreement with a governmental establishment.

(c) The board [now administration]* may cooperate with any State or Territory, or department, agency, or political subdivision

thereof, or with any person.

(d) The board [now administration]* shall, through the Secretary of Agriculture [governor]*, indicate to the appropriate bureau or division of the Department of Agriculture any special problem on which a research is needed to aid in carrying out the provisions

of this Act.

(e) The President is authorized, by Executive order, to transfer to or retransfer from the jurisdiction and control of the board [now administration]* the whole or any part of (1) any office, bureau, service, division, commission, or board in the Executive branch of the Government engaged in scientific or extension work, or the furnishing of services, with respect to the marketing of agricultural commodities, (2) its functions pertaining to such work or services, and (3) the records, property, including office equipment, personnel, and unexpended balances of appropriation, pertaining to such work or services. (June 15, 1929, sec. 13, 46 Stat. 17; 12 U. S. C., sec. 1141h.)

638-290. Examination of books and accounts; limitation on purpose of examination respecting expenditures from revolving fund.—Vouchers approved by the chairman of the board [now Governor of the Farm Credit Administration |* for expenditures from the revolving fund pursuant to any loan or advance or from insurance moneys pursuant to any insurance agreement, shall be final and conclusive upon all officers of the Government; except that all financial transactions of the board [now administration]* shall, subject to the above limitations, be examined by the General Accounting Office at such times and in such manner as the Comptroller General of the United States may by regulation prescribe. Such examination, with respect to expenditures from the revolving fund pursuant to any loan or advance or from insurance moneys pursuant to any insurance agreement, shall be for the sole purpose of making a report to the Congress and to the board [now administration]* of expenditures and of loan and insurance agreements in violation of law, together with such recommendations thereon as the Comptroller General deems advisable. (June 15, 1929, sec. 14, 46 Stat. 18; 12 U.S.C., sec. 1141i.)

638-291. Miscellaneous provisions.-

"Cooperative association" defined. (a) As used in this Act, the term "cooperative association" means any association in which farmers act together in processing, preparing for market, handling, and/or marketing the farm products of persons so engaged, and also means any

^{*}See Ex. Or. 6084, p. 254, this volume.

association in which farmers act together in purchasing, testing, grading, processing, distributing, and/or furnishing farm supplies and/or farm business services: *Provided*, *however*, That such associations are operated for the mutual benefit of the members thereof as such producers or purchasers and conform to one or both of the following requirements:

First. That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may

own therein; and

Second. That the association does not pay dividends on stock or membership capital in excess of 8 per centum per annum.

And in any case to the following:

Third. That the association shall not deal in farm products, farm supplies, and farm business services with or for nonmembers in an amount greater in value than the total amount of such business transacted by it with or for members. All business transacted by any cooperative association for or on behalf of the United States or any agency or instrumentality thereof shall be disregarded in determining the volume of member and nonmember business transacted by such association.

Speculation prohibited. (b) It shall be unlawful for any member, officer, or employee of the board [now administration]* to speculate, directly or indirectly, in any agricultural commodity or product thereof, or in contracts relating thereto, or in the stock or membership interests of any association or corporation engaged in handling, processing, or disposing of any such commodity or product. Any person violating this subdivision shall upon conviction thereof be fined not more than \$10,000, or imprisoned not more than ten years, or both.

Confidential information; disclosure prohibited. (c) It shall be unlawful (1) for any cooperative association, stabilization corporation, clearing house association, or commodity committee, or (2) for any director, officer, employee, or member or person acting on behalf of any such association, corporation, or committee, to which or to whom information has been imparted in confidence by the board [now administration]*, to disclose such information in violation of any regulation of the board [now administration]*. Any such association, corporation, or committee, or director, officer, employee, or member thereof, violating this subdivision, shall be fined not more than \$5,000, or imprisoned

not more than five years, or both.

Governmental publications; predictions as to cotton prices prohibited. (d) That the inclusion in any governmental report, bulletin, or other such publication hereafter issued or published of any prediction with respect to cotton prices is hereby prohibited. Any officer or employee of the United States who authorizes or is responsible for the inclusion in any such report, bulletin, or other publication of any such prediction, or who knowingly causes the issuance or publication of any such report, bulletin, or other publication containing any such prediction, shall, upon conviction thereof, be fined not less than \$500 or more than \$5,000, or imprisoned for not more than five years, or both: Provided, That this subdivision shall not apply to the members of the board [now Governor of the Farm Credit Administration] * when engaged in the performance of their [his] * duties herein provided.

^{*}See Ex. Or. 6084, p. 254, this volume.

Separability clause. (e) If any provision of this Act is declared unconstitutional, or the applicability thereof to any person, circumstance, commodity, or class of transactions with respect to any commodity is held invalid, the validity of the remainder of the Act and the applicability of such provision to other persons, circumstances, commodities, and classes of transactions shall not be affected thereby.

Citation of act. (f) This Act may be cited as the "Agricultural

Marketing Act."

"Agricultural commodity"; definition. (g) As used in this Act, the term "agricultural commodity" includes, in addition to other agricultural commodities, crude gum (oleoresin) from a living tree, and the following products as processed by the original producer of the crude gum (oleoresin) from which derived: Gum spirits of turpentine and gum rosin, as defined in the Naval Stores Act, approved March 3, 1923. (June 15, 1929, sec. 15 (a) to (g), 46 Stat. 18; Mar. 4, 1931, sec. 3, 46 Stat. 1550; June 16, 1933, sec. 55, 48 Stat. 266; June 3, 1935, sec. 12, 49 Stat. 317, 12 U. S. C., sec. 1141j (a) to (g).)

HISTORICAL NOTE

The Executive Order of March 27, 1933, set forth on page 254 of this volume, transferred to the jurisdiction and control of the Farm Credit Administration the functions defined in section 5 (e) of the Order, as follows: "The functions of the Reconstruction Finance Corporation and its Board of Directors relating to the appointment of officers and agents to manage regional agricultural credit corporations formed under section 201 (e) of the Emergency Relief and Construction Act of 1932; relating to the establishment of rules and regulations for such management; and relating to the approval of loans and advances made by such corporations and of the terms and conditions thereof."

638-292. Regional agricultural credit corporations; creation; capital; management; loans; rediscounts; supervision.—The Reconstruction Finance Corporation is further authorized to create in any of the twelve farm credit districts where it may deem the same to be desirable a regional agricultural credit corporation with a paid-up capital of not less than \$3,000,000, to be subscribed for by the Reconstruction Finance Corporation and paid for out of the unexpended balance of the amounts allocated and made available to the Secretary of Agriculture under section 2 of the Reconstruction Finance Corporation Act. Such corporations shall be managed by officers and agents to be appointed by the Reconstruction Finance Corporation [now Farm Credit Administration] * under such rules and regulations as its board of directors [now it] * may prescribe. Such corporations are hereby authorized and empowered to make loans or advances to farmers and stockmen, the proceeds of which are to be used for an agricultural purpose (including crop production), or for the raising, breeding, fattening, or marketing of livestock, to charge such rates of interest or discount thereon as in their judgment are fair and equitable, subject to the approval of the Reconstruction Finance Corporation [now Farm Credit Administration] *, and to rediscount with the Reconstruction Finance Corporation and the various Federal reserve banks and Federal intermediate credit banks any paper that they acquire which is eligible for such purpose. All expenses incurred in connection with the operation of such corporations shall be supervised and paid by the Reconstruction Finance Corporation under such rules and

^{*}See Ex. Or. 6084, p. 254, this volume.

regulations as its Board of Directors may prescribe. (July 21, 1932, sec. 201 (e), 47 Stat. 713; Aug. 19, 1937, sec. 5 (a), 50 Stat. 704;

12 U. S. C., sec. 1148.)

638-293. Reduction of capital stock of regional agricultural credit corporation; revolving fund from stock proceeds.—The Reconstruction Finance Corporation is authorized, with the approval of the Governor of the Farm Credit Administration, to reduce the capital of any Regional Agricultural Credit Corporation by such action as may be suitable for the purpose. The funds made available by any such reduction shall constitute a revolving fund, all or any part of which shall be available for use from time to time by the Reconstruction Finance Corporation for the purpose of increasing, with the approval of the Governor of the Farm Credit Administration, the capital of any Regional Agricultural Credit Corporation. (June 16, 1933, sec. 84, 48 Stat. 273; 12 U. S. C., sec. 1148a.)

638-294. Additional powers of regional agricultural credit corporations.—Each regional agricultural credit corporation, created under the authority of section 201 (e) of the Emergency Relief and Construction Act of 1932 (U. S. C., 1934 edition, title 12, sec. 1148), in addition to the powers heretofore granted, shall have and, upon order or approval of the Farm Credit Administration, shall exercise

the following rights, powers, and authority:

(a) To conduct, transact, and operate its business in any State in the continental United States, in the District of Columbia, and in Puerto Pice.

(b) To borrow money (other than by way of discount) from any other regional agricultural credit corporation, the Reconstruction Finance Corporation, or any Federal intermediate credit bank, and to

give security therefor.

(c) To lend any of its available funds to any other regional agricultural credit corporation at such rates of interest and upon such terms and conditions as may be approved by the Farm Credit Administration

(d) To sell to or purchase from any other regional agricultural credit corporation or any corporation formed by consolidation or merger as provided in section 33 of this Act, any part of or all the assets of any such corporation, upon such terms and conditions as may be approved by the Farm Credit Administration, including the assumption of the liabilities of any such corporation, in whole or in part. (Aug. 19, 1937, sec. 32, 50 Stat. 716; 12 U. S. C., sec. 1148b.)

638-295. Consolidation or merger.—

Power of Farm Credit Administration. (a) The Farm Credit Administration shall have the power and authority to order and effect the consolidation or merger of two or more regional agricultural credit

corporations, on such terms and conditions as it shall direct.

Status of corporations formed by consolidation. (b) The Farm Credit Administration is authorized to grant charters to, prescribe bylaws for, and fix the capital of, regional agricultural credit corporations which may be formed by the consolidation of two or more regional agricultural credit corporations, and to approve or prescribe such amendments to the charter and bylaws of any regional agricultural credit corporation as it may from time to time deem necessary. Corporations formed by the consolidation of two or more regional agricultural credit corporations, as herein provided, shall have all

the rights, powers, authority, and exemptions; shall be subject to the same supervision and control; and shall have their expenses paid in the same manner as provided by law in respect to regional agricultural credit corporations organized under section 201 (e) of the Emergency Relief and Construction Act of 1932. (Aug. 19, 1937,

sec. 33, 50 Stat. 717; 12 U. S. C., sec. 1148c.)

638–296. Rights and powers unaffected by paragraphs 638–294 and 638–295.—Nothing contained in sections 32 and 33 of this Act shall be construed as limiting the rights, powers, and authority heretofore granted to the regional agricultural credit corporations, the Farm Credit Administration, or the Governor thereof by any Acts of Congress or Executive orders. (Aug. 19, 1937, sec. 34, 50 Stat. 717; 12 U. S. C., sec. 1148d.)

LOCAL AGRICULTURAL-CREDIT CORPORATIONS, LIVESTOCK-LOAN COMPANIES, AND LIKE ORGANIZATIONS; LOANS TO INDIVIDUALS TO AID IN FORMATION OR TO INCREASE CAPITAL STOCK

638-297. Authorization of loans by Governor of Farm Credit Administration; regulations.—That the Secretary of Agriculture [now the Governor of the Farm Credit Administration]* is hereby authorized to make advances or loans to individuals, under such regulations as he may prescribe, for the purpose of assisting in forming local agricultural-credit corporations, livestock-loan companies, or like organizations, or of increasing the capital stock of such corporations, companies, or organizations qualified to do business with Federal intermediate credit banks, or to which such privileges may be extended. (Mar. 3, 1932, sec. 1, 47 Stat. 60; 12 U. S. C., sec. 1401.)

638-298. Limitation on amount of loans to individual stockholders.— No loans shall be made to individual stockholders on the capital stock of, or to create or increase the capital stock of such corporation, company, or organization in an amount in excess of 75 per centum of the par value of the capital stock of such corporation, company, or organization owned by or proposed to be subscribed

to by such individual.

Approval of financial structure of corporation by Governor of Farm Credit Administration. (b) No loan shall be made upon the capital stock of any corporation until the Secretary of Agriculture [now Governor of the Farm Credit Administration]* shall find that the financial structure of such corporation is sound and unimpaired and by him approved, nor shall any loan be made upon the capital stock of such corporation until the management of such company shall be made known to and approved by the Secretary [now Governor]*, and the Secretary [now Governor]* shall have the right at any time to declare the indebtedness to the Government that may be created hereunder due whenever in his judgment the financial structure of the corporation shall become so impaired or the management become so unsatisfactory as to jeopardize the interests of the Government. (Mar. 3, 1932, sec. 2, 47 Stat. 60; 12 U. S. C., sec. 1402.)

638-299. Minimum paid-in capital stock required to warrant loans.— No loan or advance shall be made to any individual upon the capital stock of or to create or increase the capital stock of any corporation,

^{*}See Ex. Or. 6084, p. 254, this volume.

unless the paid in capital stock of such corporation shall be at least \$10,000. (Mar. 3, 1932, sec. 3, 47 Stat. 60; 12 U. S. C., sec. 1403.) 638-300. Appropriations; revolving fund.—To carry out the provisions

of this resolution, including all expenses incurred thereunder, there are authorized to be appropriated, out of the unexpended balances of appropriations made to carry out the provisions of Public Resolution Numbered 112, Seventy-first Congress (46 Stat. 1032), as amended by the Interior Department Appropriation Act for the fiscal year ending June 30, 1932, and as amended by Public Resolution Numbered 120 (46 Stat. 1167), and out of the collections from loans made under Public Resolution Numbered 112, as so amended, a sum not exceeding \$10,000,000, which sum shall be paid into a revolving fund. Not to exceed 2 per centum of such fund may be used for expenses of administration. All moneys received from time to time upon the repayment of any advance or loan made pursuant to this Act, together with the interest, shall be paid into the revolving fund and shall thereafter be available for the purposes and in the manner hereinbefore provided. (Mar. 3, 1932, sec. 4, 47 Stat. 60, 12 U. S. C., sec. 1404.)

FEDERAL CREDIT UNIONS

638-301. Citation of Act.—That this Act may be cited as the "Federal Credit Union Act". (June 26, 1934, sec. 1, 48 Stat. 1216; 12

U. S. C., sec. 1751.)

638–302. Definitions.—A Federal credit union is hereby defined as a cooperative association organized in accordance with the provisions of this Act for the purpose of promoting thrift among its members and creating a source of credit for provident or productive purposes. When used in this Act the term "Administration" means Farm Credit Administration, and the term "Governor" means the Governor thereof. (June 26, 1934, sec. 2, 48 Stat. 1216; 12 U. S. C., sec. 1752.)

638-303. Federal credit union organization. Any seven or more natural persons who desire to form a Federal credit union shall subscribe before some officer competent to administer oaths an organization certificate in duplicate which shall specifically state—

(1) The name of the association.

(2) The location of the proposed Federal credit union and the territory in which it will operate.

(3) The names and addresses of the subscribers to the certificate

and the number of shares subscribed by each.

(4) The par value of the shares, which shall be \$5 each.(5) The proposed field of membership, specified in detail.

(6) The term of the existence of the corporation, which may be perpetual.

(7) The fact that the certificate is made to enable such persons to

avail themselves of the advantages of this Act.

Such organization certificate may also contain any provisions approved by the Governor for the management of the business of the association and for the conduct of its affairs and relative to the powers of its directors, officers, or stockholders. (June 26, 1934, sec. 3, 48 Stat. 1217; 12 U. S. C., sec. 1753.)

638-304. Approval of organization certificate.—Any such organization certificate shall be presented to the Governor for approval. Upon such approval the Federal credit union shall be a body corporate and as such, subject to the limitations herein contained, shall be vested with all of the powers and charged with all the liabilities conferred and imposed by this Act upon corporations organized hereunder. Before any organization certificate is approved an appropriate investigation shall be made for the purpose of determining (1) whether the organization certificate conforms to the provisions of this Act; (2) the general character and fitness of the subscribers thereto; and (3) the economic advisability of establishing the proposed Federal credit union. Upon approval of such organization certificate by the Governor it shall be the charter of the corporation and one of the originals thereof shall be delivered to the corporation after the payment of the fee required therefor. (June 26, 1934, sec.

4, 48 Stat. 1217; 12 U. S. C., sec. 1754.)

638-305. Fees.-For the purpose of paying the costs incident to the ascertainment of whether an organization certificate should be approved the subscribers to any such certificate shall pay, at the time of filing their organization certificate, the amount prescribed by the Governor, which shall not exceed \$20 in any case; and on the approval of any organization certificate they shall also pay a fee of \$5. During December of each calendar year each Federal credit union shall pay to the Administration a fee of not to exceed \$10, to be fixed by the Governor, for the cost of supervision: Provided, however, That no such annual fee shall be payable by such an organization for the fractional part of the first calendar year during which it is formed. All such fees shall be deposited with the Treasurer of the United States for the account of the Administration and may be expended by the Governor for such administrative and other expenses incurred in carrying out the provisions hereof as he may determine to be proper, the purpose of such fees being to defray, as far as practicable, the administrative and supervisory costs incident to the carrying out of this Act. (June 26, 1934, sec. 5, 48 Stat. 1217; 12 U. S. C., sec. 1755.)

638-306. Reports and examinations.—Federal credit unions shall be under the supervision of the Governor, and shall make such financial reports to him (at least annually) as he may require. Each Federal credit union shall be subject to examination by, and for this purpose shall make its books and records accessible to, any person designated by the Governor. The Governor shall fix a scale of examination fees to be paid by Federal credit unions, giving due consideration to the time and expense incident to such examinations, and to the ability of Federal credit unions to pay such fees, which fees shall be assessed against and paid by each Federal credit union promptly after the completion of such examination. Examination fees collected under the provisions of this section shall be deposited to the credit of the special fund created by section 5 hereof, and shall be available for the purposes specified in said section 5. (June 26, 1934, sec. 6, 48 Stat. 1218; Dec. 6, 1937, sec. 1, 51 Stat. 4; 12 U. S. C., sec. 1756.)

638-307. Powers.—A Federal credit union shall have succession in its corporate name during its existence and shall have power—

⁽¹⁾ To make contracts.(2) To sue and be sued.

(3) To adopt and use a common seal and alter the same at pleasure.

(4) To purchase, hold, and dispose of property necessary and inci-

dental to its operations.

(5) To make loans with maturities not exceeding two years to its members for provident or productive purposes upon such terms and conditions as this Act and the bylaws provide and as the credit committee may approve, at rates of interest not exceeding 1 per centum per month on unpaid balances (inclusive of all charges incident to making the loan): Provided, That no loans to a director, officer, or member of a committee shall exceed the amount of his holdings in the Federal credit union as represented by shares thereof. No director, officer, or committee member shall endorse for borrowers. A borrower may repay his loan, prior to maturity, in whole or in part on any business day.

(6) To receive from its members payments on shares.

(7) To invest its funds (a) in loans exclusively to members; (b) in obligations of the United States of America, or securities fully guaranteed as to principal and interest thereby; (c) in accordance with rules and regulations prescribed by the Governor, in loans to other credit unions in the total amount not exceeding 25 per centum of its paid-in and unimpaired capital and surplus; (d) and in shares or accounts of Federal sayings and loan associations.

(8) To make deposits in national banks and in State banks, trust companies, and mutual savings banks operating in accordance with the laws of the State in which the Federal credit union does business.

(9) To borrow (from any source) in an aggregate amount not exceeding 50 per centum of its paid-in and unimpaired capital and surplus: *Provided*, That any Federal credit union may discount with or sell to any Federal intermediate credit bank any eligible obligations up to the amount of its paid-in and unimpaired capital, subject to such rules and regulations as may be prescribed by the Governor.

(10) To fine members, in accordance with the bylaws, for failure to

meet promptly their obligations to the Federal credit union.

(11) To impress and enforce a lien upon the shares and dividends of any member, to the extent of any loan made to him and any dues or fines payable by him.

(12) To exercise such incidental powers as shall be necessary or requisite to enable it to carry on effectively the business for which it is incorporated. (June 26, 1934, sec. 7, 48 Stat. 1218; Dec. 6, 1937,

sec. 2, 51 Stat. 4, 12 U. S. C., sec. 1757.)

638-308. Bylaws.—In order to simplify the organization of Federal credit unions the Governor shall, upon the passage of this Act, cause to be prepared a form of organization certificate and a form of bylaws, consistent with this Act, which shall be used by Federal credit union incorporators, and shall be supplied to them on request. At the time of presenting the organization certificate the incorporators shall also submit proposed bylaws to the Governor for his approval. (June 26, 1934, sec. 8, 48 Stat. 1219; 12 U. S. C., sec. 1758.)

638-309. Membership.—Federal credit union membership shall consist of the incorporators and such other persons and incorporated and unincorporated organizations, to the extent permitted by rules and regulations prescribed by the Governor, as may be elected to membership and as shall, each, subscribe to at least one share of its stock and

pay the initial installment thereon and the entrance fee; except that Federal credit union membership shall be limited to groups having a common bond of occupation, or association, or to groups within a well-defined neighborhood, community, or rural district. (June 26,

1934, sec. 9, 48 Stat. 1219; 12 U. S. C., sec. 1759.)

638-310. Members' meetings.—The fiscal year of all Federal credit unions shall end December 31. The annual meeting of each Federal credit union shall be held at such time during the month of the following January and at such place as its bylaws shall prescribe. Special meetings may be held in the manner indicated in the bylaws. No member shall be entitled to vote by proxy, but a member other than a natural person may vote through an agent designated for the purpose. Irrespective of the number of shares held by him, no member shall have more than one vote. (June 26, 1934, sec. 10, 48 Stat. 1219; 12 U. S. C., sec. 1760.)

638-311. Management.—

Generally. (a) The business affairs of a Federal credit union shall be managed by a board of not less than five directors, a credit committee of not less than three members, and a supervisory committee of three members (a majority of whom shall not be directors) all to be elected by the members (and from their number) at their annual meeting, and to hold office for such terms, respectively, as the bylaws may provide. A record of the names and addresses of the members of the board and committees and officers shall be filed with the Administration within ten days after their election. No member of the board or

of either committee shall, as such be compensated.

Officers. (b) At their first meeting after the annual meeting of the members, the directors shall elect from their number a president, a vice president, a clerk, and a treasurer, who shall be the executive officers of the corporation and may be compensated for their services to such extent as the bylaws may provide. The offices of clerk and treasurer may be held by the same person. The duties of the officers shall be as determined by the bylaws, except that the treasurer shall be the general manager of the corporation. Before the treasurer shall enter upon his duties he shall give bond with good and sufficient surety, in an amount and character to be determined from time to time by the board of directors, conditioned upon the faithful performance of his trust.

Directors. (c) The board of directors shall meet at least once a month and shall have the general direction and control of the affairs of the corporation. Minutes of all such meetings shall be kept. Among other things they shall act upon applications for membership; fix the amount and character of the surety bond required of any officer having custody of funds; recommend the declaration of dividends; fill vacancies in the board and in the credit committee until successors elected at the next annual meeting have qualified; have charge of investments other than loans to members; determine from time to time the maximum number of shares that may be held by any individual; and, subject to the limitations of this Act, determine the interest rates on loans and the maximum amount that may be loaned with or without security to any member.

Credit committee. (d) The credit committee shall hold such meetings as the business of the Federal credit union may require and not less frequently than once a month (of which meetings due notice shall

be given to members of the committee by the treasurer) to consider applications for loans. No loan shall be made unless approved by a majority of the entire committee and by all of the members of the committee who are present at the meeting at which the application is considered. Applications for loans shall be made on forms prepared by such committee, which shall set forth the purpose for which the loan is desired, the security, if any, and such other data as may be required. No loan in excess of \$100 shall be made without adequate security and no loan shall be made to any member in excess of \$200 or 10 per centum of the Federal credit union's paid-in and unimpaired capital and surplus, whichever is greater. For the purposes of this subdivision an assignment of shares or the endorsement of a note

shall be deemed security.

(e) The supervisory committee shall make, Supervisory committee. at least quarterly, an examination of the affairs of the Federal credit union, including an audit of its books; shall make an annual audit and a report to be submitted at the annual meeting of the corporation; and, by a unanimous vote, may suspend any officer of the corporation, or any member of the credit committee or of the board of directors until the next members' meeting, which said meeting, however, shall be held within seven days of said suspension and at which meeting said suspension shall be acted upon by the members; and, by a majority vote, may call a special meeting of the shareholders to consider any violation of this Act, the charter, or of the bylaws, or any practice of the corporation deemed by the committee to be unsafe or unauthorized. The said committee shall fill vacancies in its own membership until successors to be elected at the next annual meeting have qualified. The supervisory committee shall cause the passbooks and accounts of the members to be verified with the records of the treasurer from time to time and not less frequently than once every two years. (June 26, 1934, sec. 11, 48 Stat. 1219; June 15, 1940, 54 Stat. 398; 12 U. S. C., sec. 1761.)

638–312. Reserves.—All entrance fees and fines provided by the bylaws and 20 per centum of the net earnings of each year, before the declaration of any dividends, shall be set aside, subject to terms and conditions specified in the bylaws, as a reserve fund against possible bad loans. (June 26, 1934, sec. 12, 48 Stat. 1221; 12 U. S. C., sec. 1762.)

638-313. Dividends.—At the annual meeting a dividend may be declared from the remaining net earnings on recommendation of the board of directors, which dividend shall be paid on all paid-up shares outstanding at the end of the preceding fiscal year. Shares which become fully paid up during such year shall be entitled to a proportional part of said dividend calculated from the 1st day of the month following such payment in full. (June 26, 1934, sec. 13, 48 Stat. 1221;

12 U. S. C., sec. 1763.)

638-314. Expulsion and withdrawal.—A member may be expelled by a two-thirds vote of the members of a Federal credit union present at a special meeting called for the purpose, but only after an opportunity has been given him to be heard. Withdrawal or expulsion of a member shall not operate to relieve him from liability to the Federal credit union. The amount to be paid a withdrawing or expelled member by a Federal credit union shall be determined and paid in the manner specified in the bylaws. (June 26, 1934, sec. 14, 48 Stat. 1221; 12 U. S. C., sec. 1764.)

638-315. Minors.—Shares may be issued in the name of a minor or in trust, subject to such conditions as may be prescribed by the bylaws. The name of the beneficiary shall be disclosed to the Federal credit union. (June 26, 1934, sec. 15, 48 Stat. 1221; 12 U. S. C., sec. 1765.) 638-316. Certain powers of Governor.—(a) The Governor may pre-

scribe rules and regulations for the administration of this Act (including, but not by way of limitation, the merger, consolidation, and/or

dissolution of corporations organized under this Act).

(b) The Governor may suspend or revoke the charter of any Federal credit union upon his finding that the organization is bankrupt or insolvent or has violated any provisions of its charter, its bylaws, or

of this Act, or of any regulations issued thereunder.

(c) The Governor is hereby authorized and empowered to execute any and all functions and perform any and all duties vested in him hereby, through such persons as he shall designate or employ; and he may delegate to any person or persons, including any institution operating under the general supervision of the Administration, the performance and discharge of any authority, power, or function vested in him by this Act.

(d) All books and records of Federal credit unions shall be kept and reports shall be made in accordance with forms approved by the

Governor.

(e) The Governor is hereby authorized to make investigations and to conduct researches and studies of the problems of persons of small means in obtaining credit at reasonable rates of interest, and of the methods and benefits of cooperative saving and lending among such persons. He is further authorized to make reports of such investigations and to publish and disseminate the same. (June 26, 1934, sec. 16, 48 Stat. 1221; Dec. 6, 1937, sec. 3, 51 Stat. 4; 12 U. S. C., sec. 1766.)

638-317. Fiscal agents and depositories.—Each Federal credit union organized under this Act, when requested by the Secretary of the Treasury, shall act as fiscal agent of the United States and shall perform such services as the Secretary of the Treasury may require in connection with the collection of taxes and other obligations due the United States and the lending, borrowing, and repayment of money by the United States, including the issue, sale, redemption or repurchase of bonds, notes, Treasury certificates of indebtedness, or other obligations of the United States; and to facilitate such purposes the Governor shall furnish to the Secretary of the Treasury from time to time the names and addresses of all Federal credit unions with such other available information concerning them as may be requested by the Secretary of the Treasury. Any Federal credit union organized under this Act, when designated for that purpose by the Secretary of the Treasury, shall be a depository of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary of the Treasury. (June 26, 1934, sec. 17, 48 Stat. 1222; 12 U. S. C., sec. 1767.)

638-318. Taxation.—The Federal credit unions organized hereunder, their property, their franchises, capital, reserves, surpluses, and other funds, and their income shall be exempt from all taxation now or hereafter imposed by the United States or by any State, Territorial, or local taxing authority; except that any real property and any tangible personal property of such Federal credit unions shall be subject to Federal, State, Territorial, and local taxation to the same extent as other similar property is taxed. Nothing herein contained shall prevent holdings in any Federal credit union organized hereunder from being included in the valuation of the personal property of the owners or holders thereof in assessing taxes imposed by authority of the State or political subdivision thereof in which the Federal credit union is located: *Provided*, *however*, That the duty or burden of collecting or enforcing the payment of such tax shall not be imposed upon any such Federal credit union and the tax shall not exceed the rate of taxes imposed upon holdings in domestic credit unions. (June 26, 1934, sec. 18, 48 Stat. 1222; Dec. 6, 1937, sec. 4, 51 Stat. 4; 12 U. S. C., sec. 1768.)

638-319. Appropriation for administration.—Not to exceed \$50,000 of the fund available to the Governor under section 4 of the Act of March 3, 1932, for expenses of administration in connection with loans made thereunder to aid in the establishment of agricultural credit corporations, is hereby made available also for administrative expenses in administering this Act. (June 26, 1934, sec. 19, 48 Stat. 1222; 12

U. S. C., sec. 1769.)

638-320. Separability of provisions; right to alter, amend, or repeal Act.—(a) If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

(b) The right to alter, amend, or repeal this Act or any part thereof, or any charter issued pursuant to the provisions of this Act, is expressly reserved. (June 26, 1934, sec. 20, 48 Stat. 1222; 12

U. S. C., sec. 1770.)

638–321. Allotment of space in Federal buildings.—Upon application by any credit union organized under State law or by any Federal credit union organized in accordance with the terms of this Act, the membership of which is composed exclusively of Federal employees and members of their families, which application shall be addressed to the officer or agency of the United States charged with the allotment of space in the Federal buildings in the community or district in which said credit union or Federal credit union does business, such officer or agency may in his or its discretion allot space to such credit union if space is available without charge for rent or services. (June 26, 1934, sec. 21, as added July 9, 1937, 50 Stat. 487; 12 U. S. C., sec. 1771.)

CENSUS

COLLECTION OF STATISTICS

642-1. Cotton Ginners required to keep ginning records for access by Census Bureau.—That it shall be the duty of every owner, president, treasurer, secretary, director, or other officer or agent of any cotton ginnery, manufacturing establishment, warehouse, or other place where cotton is ginned, manufactured, or stored, whether conducted as a corporation, firm, limited partnership, or by individuals, when requested by the Director of the Census or by any special agent or other employee of the Bureau of the Census acting under the instructions of said director, to furnish completely and correctly, to the best of his knowledge, all of the information concerning the quantity of cotton ginned, consumed, or on hand, and the number of cotton-consuming spindles, and active spindle hours. The request of the Director of the Census for information concerning the quantity of

cotton ginned or consumed, stocks of cotton on hand, and number of spindles and spindle hours may be made in writing or by a visiting representative, and if made in writing shall be forwarded by registered mail, and the registry receipt of the Post Office Department shall be accepted as evidence of such demand. Any owner, president, treasurer, secretary, director, or other officer or agent of any cotton ginnery, manufacturing establishment, warehouse, or other place where cotton is ginned or stored, who, under the conditions hereinbefore stated, shall refuse or willfully neglect to furnish any of the information herein provided for or shall willfully give answers that are false shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$300 or more than \$1,000 or imprisoned for a period of not exceeding one year, or both so fined and imprisoned, at the discretion of the court.

It shall also be the duty of every cotton ginner to keep a record of the county or parish in which each bale of cotton ginned by him is grown and to report at the March canvass of each year a segregation of the total number of bales ginned by counties or parishes in which grown. (Apr. 2, 1924, sec. 4, 43 Stat. 32; June 14, 1938, 52 Stat. 678;

13 U. S. C., sec. 74.)

COMMERCE AND TRADE

MONOPOLIES AND COMBINATIONS IN RESTRAINT OF TRADE

647-1. Trusts, etc., in restraint of trade illegal; exception of resale price agreements; penalty.—Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal: Provided, That nothing herein contained shall render illegal, contracts or agreements prescribing minimum prices for the resale of a commodity which bears, or the label or container of which bears, the trade mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others. when contracts or agreements of that description are lawful as applied to intrastate transactions, under any statute, law, or public policy now or hereafter in effect in any State, Territory, or the District of Columbia in which such resale is to be made, or to which the commodity is to be transported for such resale, and the making of such contracts or agreements shall not be an unfair method of competition under section 5, as amended and supplemented, of the Act entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes", approved September 26, 1914: Provided further, That the preceding proviso shall not make lawful any contract or agreement, providing for the establishment or maintenance of minimum resale prices on any commodity herein involved, between manufacturers, or between producers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other. Every person who shall make any contract or engage in any combination or conspiracy hereby declared to be illegal shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding \$5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court. (July 2, 1890, sec. 1, 26 Stat. 209; Aug. 17, 1937, Title VIII, sec. 1, 50 Stat. 693; 15 U.S. C., sec. 1.)

FEDERAL TRADE COMMISSION; PROMOTION OF EXPORT TRADE, AND PREVENTION OF UNFAIR METHODS OF COMPETITION

648. Unfair methods of competition unlawful-

Prevention by Commission; declaration of unlawfulness; power to prohibit unfair practices. (a) Unfair methods of competition in commerce, and unfair or deceptive acts or practices in commerce, are hereby

declared unlawful.

The Commission is hereby empowered and directed to prevent persons, partnerships, or corporations, except banks, common carriers subject to the Acts to regulate commerce, air carriers and foreign air carriers subject to the Civil Aeronautics Act of 1938, and persons, partnerships, or corporations subject to the Packers and Stockyards Act, 1921, except as provided in section 406 (b) of said Act, from using unfair methods of competition in commerce and un-

fair or deceptive acts or practices in commerce.

Proceeding by Commission; modifying and setting aside orders. Whenever the Commission shall have reason to believe that any such person, partnership, or corporation has been or is using any unfair method of competition or unfair or deceptive act or practice in commerce, and if it shall appear to the Commission that a proceeding by it in respect thereof would be to the interest of the public, it shall issue and serve upon such person, partnership, or corporation a complaint stating its charges in that respect and containing a notice of a hearing upon a day and at a place therein fixed at least thirty days after the service of said complaint. The person, partnership, or corporation so complained of shall have the right to appear at the place and time so fixed and show cause why an order should not be entered by the Commission requiring such person, partnership, or corporation to cease and desist form the violation of the law so charged in said complaint. Any person, partnership, or corporation may make application, and upon good cause shown may be allowed by the Commission to intervene and appear in said proceeding by counsel or in person. The testimony in any such proceeding shall be reduced to writing and filed in the office of the Commission. If upon such hearing the Commission shall be of the opinion that the method of competition or the act or practice in question is prohibited by this Act, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such person, partnership, or corporation an order requiring such person, partnership, or corporation to cease and desist from using such method of competition or such act or practice. Until the expiration of the time allowed for filing a petition for review, if no such petition has been duly filed within such time, or, if a petition for review has been filed within such time then until the transcript of the record in the proceeding has been filed in a circuit court of appeals of the United States, as hereinafter provided, the Commission may at any time, upon such notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any report or any order made or issued by it under this section. After the expiration of the time allowed for filing a petition for review, if no such petition has been duly filed within such time, the Commission may at any time, after notice and opportunity for

hearing, reopen and alter, modify, or set aside, in whole or in part, any report or order made or issued by it under this section, whenever in the opinion of the Commission conditions of fact or of law have so changed as to require such action or if the public interest shall so require: *Provided*, *however*, That the said person, partnership, or corporation may, within sixty days after service upon him or it of said report or order entered after such a reopening, obtain a review thereof in the appropriate circuit court of appeals of the United States, in the manner provided in subsection (c) of this section.

Review of order; rehearing. (c) Any person, partnership, or corporation required by an order of the Commission to cease and desist from using any method of competition or act or practice may obtain a review of such order in the circuit court of appeals of the United States, within any circuit where the method of competition or the act or practice in question was used or where such person, partnership, or corporation resides or carries on business, by filing in the court, within sixty days from the date of the service of such order, a written petition praying that the order of the Commission be set aside. A copy of such petition shall be forthwith served upon the Commission, and thereupon the Commission forthwith shall certify and file in the court a transcript of the entire record in the proceeding, including all the evidence taken and the report and order of the Commission. Upon such filing of the petition and transcript the court shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to make and enter upon the pleadings, evidence, and proceedings set forth in such transcript a decree affirming, modifying, or setting aside the order of the Commission, and enforcing the same to the extent that such order is affirmed, and to issue such writs as are ancillary to its jurisdiction or are necessary in its judgment to prevent injury to the public or to competitors pendente lite. The findings of the Commission as to the facts, if supported by evidence, shall be conclusive. To the extent that the order of the Commission is affirmed, the court shall thereupon issue its own order commanding obedience to the terms of such order of the Commission. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Commission, the court may order such additional evidence to be taken before the Commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. Commission may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by evidence, shall be conclusive, and its recommendation, if any, for the modication or setting aside of its original order, with the return of such additional evidence. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 240 of the Judicial Code.

Jurisdiction of circuit courts exclusive. (d) The jurisdiction of the circuit court of appeals of the United States to affirm, enforce, modi-

fy, or set aside orders of the Commission shall be exclusive.

Proceedings to be given precedence. (e) Such proceedings in the circuit court of appeals shall be given precedence over other cases pending therein, and shall be in every way expedited. No order of the Commission or judgment of court to enforce the same shall in anywise relieve or absolve any person, partnership, or corporation

from any liability under the Antitrust Acts.

Service of complaints, orders, etc. (f) Complaints, orders, and other processes of the Commission under this section may be served by anyone duly authorized by the Commission, either (a) by delivering a copy thereof to the person to be served, or to a member of the partnership to be served, or the president, secretary, or other executive officer or a director of the corporation to be served; or (b) by leaving a copy thereof at the residence or the principal office or place of business of such person, partnership, or corporation; or (c) by registering and mailing a copy thereof addressed to such person, partnership, or corporation at his or its residence or principal office or place of business. The verified return by the person so serving said complaint, order, or other process setting forth the manner of said service shall be proof of the same, and the return post office receipt for said complaint, order, or other process registered and mailed as aforesaid shall be proof of the service of the same.

Finality of order. (g) An order of the Commission to cease and

desist shall become final-

(1) Upon the expiration of the time allowed for filing a petition for review, if no such petition has been duly filed within such time; but the Commission may thereafter modify or set aside its order to the extent provided in the last sentence of subsection (b); or

(2) Upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Commission has been affirmed, or the petition for review dismissed by the circuit court of appeals, and no petition for certiorari has been duly filed; or

(3) Upon the denial of a petition for certiorari, if the order of the Commission has been affirmed or the petition for review

dismissed by the circuit court of appeals; or

(4) Upon the expiration of thirty days from the date of issuance of the mandate of the Supreme Court, if such Court directs that the order of the Commission be affirmed or the petition for review dismissed.

Finality of orders following modification by Supreme Court. (h) If the Supreme Court directs that the order of the Commission be modified or set aside, the order of the Commission rendered in accordance with the mandate of the Supreme Court shall become final upon the expiration of thirty days from the time it was rendered, unless within such thirty days either party has instituted proceedings to have such order corrected to accord with the mandate, in which event the order of the Commission shall become final when so corrected.

Finality of orders following modification by circuit court. (i) If the order of the Commission is modified or set aside by the circuit court

of appeals, and if (1) the time allowed for filing a petition for certiorari has expired and no such petition has been duly filed, or (2) the petition for certiorari has been denied, or (3) the decision of the court has been affirmed by the Supreme Court, then the order of the Commission rendered in accordance with the mandate of the circuit court of appeals shall become final on the expiration of thirty days from the time such order of the Commission was rendered, unless within such thirty days either party has instituted proceedings to have such order corrected so that it will accord with the mandate, in which event the order of the Commission shall become final when so corrected.

Finality of orders following rehearing. (j) If the Supreme Court orders a rehearing; or if the case is remanded by the circuit court of appeals to the Commission for a rehearing, and if (1) the time allowed for filing a petition for certiorari has expired, and no such petition has been duly filed, or (2) the petition for certiorari has been denied, or (3) the decision of the court has been affirmed by the Supreme Court, then the order of the Commission rendered upon such rehearing shall become final in the same manner as though no prior order of the Commission had been rendered.

Definition of "mandate". (k) As used in this section the term mandate, in case a mandate has been recalled prior to the expiration of thirty days from the date of issuance thereof, means the final

mandate.

Penalty for violating final order. (1) Any person, partnership, or corporation who violates an order of the Commission to cease and desist after it has become final, and while such order is in effect, shall forfeit and pay to the United States a civil penalty of not more than \$5,000 for each violation, which shall accrue to the United States and may be recovered in a civil action brought by the United States. (Sept. 26, 1914, sec. 5, 38 Stat. 719; Feb. 13, 1925, sec. 2, 43 Stat. 939; Mar. 21, 1938, sec. 3, 52 Stat. 111, as amended June 23, 1938, sec. 1107 (f), 52 Stat. 1028; 15 U. S. C., sec. 45 (a) to (1).)

651-1. Dissemination of false advertisement forbidden—

Unlawfulness. (a) It shall be unlawful for any person, partner-ship, or corporation to disseminate, or cause to be disseminated, any false advertisement—

(1) By United States mails, or in commerce by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly the purchase of food, drugs, devices, or cosmetics; or

(2) By any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce of food, drugs, devices, or cosmetics.

Unfair or deceptive act or practice. (b) The dissemination or the causing to be disseminated of any false advertisement within the provisions of subsection (a) of this section shall be an unfair or deceptive act or practice in commerce within the meaning of section 5. (Sept. 26, 1914, sec. 12, as added March 21, 1938, sec. 4, 52 Stat. 114; 15 U. S. C., sec. 52 (a), (b).)

651-2. Dissemination of false advertisements-

Temporary injunction. Power of Commission; jurisdiction of courts.

(a) Whenever the Commission has reason to believe—

(1) that any person, partnership, or corporation is engaged in, or is about to engage in, the dissemination or the causing of the dissemination of any advertisement in violation of section 12, and

(2) that the enjoining thereof pending the issuance of a complaint by the Commission under section 5, and until such complaint is dismissed by the Commission or set aside by the court on review, or the order of the Commission to cease and desist made thereon has become final within the meaning of section 5, would be to the interest of the public,

the Commission by any of its attorneys designated by it for such purpose may bring suit in a district court of the United States or in the United States court of any Territory, to enjoin the dissemination or the causing of the dissemination of such advertisement. Upon proper showing a temporary injunction or restraining order shall be granted without bond. Any such suit shall be brought in the district in which such person, partnership, or corporation resides or transacts business.

Injunctions relating to regular publications; tolerance. (b) Whenever it appears to the satisfaction of the court in the case of a newspaper, magazine, periodical, or other publication, published at regular

intervals-

(1) that restraining the dissemination of a false advertisement in any particular issue of such publication would delay the de-

livery of such issue after the regular time therefor, and

(2) that such delay would be due to the method by which the manufacture and distribution of such publication is customarily conducted by the publisher in accordance with sound business practice, and not to any method or device adopted for the evasion of this section or to prevent or delay the issuance of an injunction or restraining order with respect to such false advertisement or any other advertisement,

the court shall exclude such issue from the operation of the restraining order or injunction. (Sept. 26, 1914, sec. 13, as added Mar. 21, 1938, sec. 4, 52 Stat. 114; 15 U. S. C., sec. 53 (a), (b).)

651-3. Dissemination of false advertisements; penalties-

Imposition of penalties. (a) Any person, partnership, or corporation who violates any provision of section 12 (a) shall, if the use of the commodity advertised may be injurious to health because of results from such use under the conditions prescribed in the advertisement thereof, or under such conditions as are customary or usual, or if such violation is with intent to defraud or mislead, be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than six months, or by both such fine and imprisonment; except that if the conviction is for a violation committed after a first conviction of such person, partnership, or corporation, for any violation of such section, punishment shall be by a fine of not more than \$10,000 or by imprisonment for not more than one year, or by both such fine and imprisonment: Provided, That for the purposes of this section meats and meat food products duly inspected, marked, and labeled in accordance with rules and regulations issued under the Meat Inspection Act approved March 4, 1907, as amended, shall be conclusively presumed not injurious to health at the time the same leave official "establishments."

Exception of advertising medium or agency. (b) No publisher, radiobroadcast licensee, or agency or medium for the dissemination of advertising, except the manufacturer, packer, distributor, or seller of the commodity to which the false advertisement relates, shall be liable under this section by reason of the dissemination by him of any false advertisement, unless he has refused, on the request of the Commission, to furnish the Commission the name and post-office address of the manufacturer, packer, distributor, seller, or advertising agency, residing in the United States, who caused him to disseminate such advertisement. No advertising agency shall be liable under this section by reason of the causing by it of the dissemination of any false advertisement, unless it has refused, on the request of the Commission. to furnish the Commission the name and post-office address of the manufacturer, packer, distributor, or seller, residing in the United States, who caused it to cause the dissemination of such advertisement. (Sept. 26, 1914, sec. 14, as added Mar. 21, 1938, sec. 4, 52 Stat. 114; 15 U.S. C., sec. 54 (a), (b).)

651-4. Additional definitions-

For the purposes of sections 12, 13, and 14—

False advertisement. (a) The term "false advertisement" means an advertisement, other than labeling, which is misleading in a material respect; and in determining whether any advertisement is misleading, there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, sound, or any combination thereof, but also the extent to which the advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the commodity to which the advertisement relates under the conditions prescribed in said advertisement, or under such conditions as are customary or usual. No advertisement of a drug shall be deemed to be false if it is disseminated only to members of the medical profession, contains no false representation of a material fact, and includes, or is accompanied in each instance by truthful disclosure of, the formula showing quantitatively each ingredient of such drug.

Food. (b) The term "food" means (1) articles used for food or drink for man or other animals, (2) chewing gum, and (3) articles

used for components of any such article.

Drug. (c) The term "drug" means (1) articles recognized in the official United StatesPharmacopoeia, official Homoeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and (2) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any article specified in clause (1), (2), or (3); but does not include devices or their components, parts, or accessories.

Device. (d) The term "device" (except when used in subsection (a) of this section) means instruments, apparatus, and contrivances, including their parts and accessories, intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or (2) to affect the structure or any function of the

body of man or other animals.

Cosmetic. (e) The term "cosmetic" means (1) articles to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof intended for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) articles intended for use as a component of any such article; except that such term shall not include soap. (Sept. 26, 1914, sec. 15, as added Mar. 21, 1938, sec. 4, 52 Stat. 114; 15 U. S. C., sec. 55 (a) to (e).)

651-5. Certification of facts to Attorney General for appropriate proceedings to enforce penalty.—Whenever the Federal Trade Commission has reason to believe that any person, partnership, or corporation is liable to a penalty under section 14 or under subsection (1) of section 5, it shall certify the facts to the Attorney General, whose duty it shall be to cause appropriate proceedings to be brought for the enforcement of the provisions of such section or subsection. (Sept. 26, 1914, sec. 16, as added Mar. 21, 1938, sec. 4, 52 Stat. 114; 15 U. S. C., sec. 56.)

651-6. Separability.—If any provision of this Act, or the application thereof to any person, partnership, corporation, or circumstance, is held invalid, the remainder of the Act and the application of such provision to any other person, partnership, corporation, or circumstance, shall not be affected thereby. (Sept. 26, 1914, sec. 17, as added, Mar.

21, 1938, sec. 4, 52 Stat. 114; 15 U. S. C., sec. 57.)

651-7. Title.—This Act may be cited as the "Federal Trade Commission Act." (Sept. 26, 1914, sec. 18, as added Mar. 21, 1938, sec. 4,

52 Stat. 114; 15 U. S. C., sec. 58.)

651-8. Effective dates.—(a) In case of an order by the Federal Trade Commission to cease and desist, served on or before the date of the enactment of this Act, the sixty-day period referred to in section 5(c) of the Federal Trade Commission Act, as amended by this Act, shall begin on the date of the enactment of this Act.

(b) Section 14 of the Federal Trade Commission Act, added to such Act by section 4 of this Act, shall take effect on the expiration of sixty days after the date of the enactment of this Act. (Mar. 21, 1938, sec.

5(a), (b), 52 Stat. 117; 15 U.S. C., secs. 45 note, 54 note.)

INDUSTRIAL RECOVERY

699-1. Federal Surplus Commodity Corporation and Commodity Credit Corporation, administrative expense limitation.—(a) Notwithstanding any other provision of law, none of the establishments or agencies named in subsection (b) of this section shall, after June 30, 1937, incur any obligations for administrative expenses, except pursuant to an annual appropriation specifically therefor, nor shall any such establishment or agency continue to function after said date unless established by or pursuant to law: Provided, That nothing contained herein shall be construed to extend the period during which any such establishment or agency heretofore has been authorized by law to function.

(b) * * * 5. Federal Surplus Commodities Corporation; * * * 10. Commodity Credit Corporation; * * * (June 22, 1936, sec. 7,

49 Stat. 1647; 15 U.S.C., sec. 712a.)

699-2. Commodity Credit Corporation; continuance of existence; functions, and ownership of stock by United States.—Notwithstanding any other provision of law, Commodity Credit Corporation, a corporation organized under the laws of the State of Delaware as an agency of the United States pursuant to the Executive order of the President of

October 16, 1933, shall continue, until the close of business on June 30, 1941, or such earlier date as may be fixed by the President by Executive order, to be an agency of the United States. During the continuance of such agency, the Secretary of Agriculture and the Governor of the Farm Credit Administration are authorized and directed to continue, for the use and benefit of the United States, the present investment in the capital stock of Commodity Credit Corporation, and the corporation is hereby authorized to use all its assets, including capital and net earnings therefrom, and all moneys which have been or may hereafter be allocated to or borrowed by it, in the exercise of its functions as such agency, including the making of loans on agricultural commodities. (Jan. 31, 1935, sec. 7, 49 Stat. 4, as amended Jan. 26, 1937, sec. 2 (a), 50 Stat. 5; Mar. 4, 1939, 53 Stat. 510; 15 U. S. C., sec. 713.)

699-3. Same; increase of capital stock.—That the Secretary of Agriculture and the Governor of the Farm Credit Administration are hereby authorized and directed to take all necessary steps to increase the capital stock of the Commodity Credit Corporation by \$97,000,000; and that the Reconstruction Finance Corporation is hereby authorized and directed to acquire \$97,000,000 of the nonassessable capital stock of the Commodity Credit Corporation: Provided, That nothing herein shall be construed to increase the amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered under existing law to issue and to have outstanding at any one time. (Apr. 10, 1936, 49 Stat. 1191;

15 U. S. C., sec. 713a.)

699-4. Same: annual appraisal of assets; restoration of capital impairment.—That as of the 31st of March in each year and as soon as possible thereafter, beginning with March 31, 1938, an appraisal of all the assets and liabilities of the Commodity Credit Corporation for the purpose of determining the net worth of the Commodity Credit Corporation shall be made by the Secretary of the Treasury. value of assets shall, insofar as possible, be determined on the basis of market prices at the time of appraisal and a report of any such appraisal shall be submitted to the President as soon as possible after it. has been made. In the event that any such appraisal shall establish that the net worth of the Commodity Credit Corporation is less than \$100,000,000, the Secretary of the Treasury, on behalf of the United States, shall restore the amount of such capital impairment by a contribution to the Commodity Credit Corporation in the amount of such impairment. To enable the Secretary of the Treasury to make such payment to the Commodity Credit Corporation, there is hereby authorized to be appropriated annually, commencing with the fiscal year 1938, out of any money in the Treasury not otherwise appropriated, an amount equal to any capital impairment found to exist by virtue of any appraisal as provided herein. (Mar. 8, 1938, sec. 1, 52 Stat. 107; 15 U. S. C., sec. 713a-1.)

699-5. Same; capital excess; deposit in Treasury for retirement of Public debt.—In the event that any appraisal pursuant to section 1 of this Act shall establish that the net worth of the Commodity Credit Corporation is in excess of \$100,000,000, such excess shall, as soon as practicable after such appraisal, be deposited in the Treasury by the Commodity Credit Corporation and shall be credited to miscellaneous receipts. The Secretary of the Treasury is directed, as soon as prac-

ticable, to use any amounts so deposited to retire an equivalent amount of the public debt, which amount shall be in addition to any other amount required to be used for such purpose. (Mar. 8, 1938, sec. 2,

52 Stat. 107; 15 U.S.C., sec. 713a-2.)

699-6. Same; transfer to United States of stock held by Secretary of Agriculture, Governor of Farm Credit Administration, and Reconstruction Finance Corporation.—The Secretary of Agriculture, the Governor of the Farm Credit Administration, and the Reconstruction Finance Corporation are hereby authorized and directed to transfer to the United States all right, title, and interest in and to the capital stock of the Commodity Credit Corporation which each of them now holds. All rights of the United States arising out of the ownership of such capital stock shall be exercised by the President, or by such officer, officers, agency, or agencies as he shall designate, and in such manner as he shall prescribe. (Mar. 8, 1938, sec. 3, 52 Stat. 107; 15 U. S. C.,

sec. 713a-3.)

699-7. Same; obligations of corporation; issuance; sale; purchase; redemption, etc.—With the approval of the Secretary of the Treasury, the Commodity Credit Corporation is authorized to issue and have outstanding at any one time, bonds, notes, debentures, and other similar obligations in an aggregate amount not exceeding \$1,400,000,000. Such obligations shall be in such forms and denominations, shall have such maturities, shall bear such rates of interest, shall be subject to such terms and conditions, and shall be issued in such manner and sold at such prices as may be prescribed by the Commodity Credit Corporation, with the approval of the Secretary of the Treasury. Such obligations shall be fully and unconditionally guaranteed both as to interest and principal by the United States, and such guaranty shall be expressed on the face thereof, and such obligations shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds the investment or deposit of which shall be under the authority or control of the United States or any officer or officers thereof. In the event that the Commodity Credit Corporation shall be unable to pay upon demand, when due, the principal of, or interest on, such obligations, the Secretary of the Treasury shall pay to the holder the amount thereof which is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and thereupon to the extent of the amount so paid the Secretary of the Treasury shall succeed to all the rights of the holders of such obligations. The Secretary of the Treasury, in his discretion, is authorized to purchase any obligations of the Commodity Credit Corporation issued hereunder, and for such purpose the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds from the sale of any securities hereafter issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of the Commodity Credit Corporation's obligations hereunder. The Secretary of the Treasury may at any time sell any of the obligations of the Commodity Credit Corporation acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of the obligations of the Commodity Credit Corporation shall be treated as public-debt transactions of the United States. No such obligations shall be issued in excess of the assets of

the Commodity Credit Corporation, including the assets to be obtained from the proceeds of such obligations, but a failure to comply with this provision shall not invalidate the obligations or the guaranty of the same. The Commodity Credit Corporation shall have power to purchase such obligations in the open market at any time and at any price. (Mar. 8, 1938, sec. 4, 52 Stat. 108; as amended Mar. 4, 1939, sec. 1 (d), 53 Stat. 510; Aug. 9, 1940, 54 Stat. 182; 15 U. S. C., sec. 713a-4.)

699-8. Same; exemption of corporation and its obligations from taxation.—Bonds, notes, debentures, and other similar obligations issued by the Commodity Credit Corporation under the provisions of this Act shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation (except surtaxes, estate, inheritance, and gift taxes). The Commodity Credit Corporation, including its franchise, its capital, reserves, and surplus, and its income shall be exempt from all taxation now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority; except that any real property of the Commodity Credit Corporation shall be subject to State, Territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed. (Mar. 8, 1938, sec. 5, 52 Stat.

108; 15 U. S. C., sec. 713a-5.)

699-9. Sale of surplus agricultural commodities to foreign governments.—That notwithstanding any other provision of law, the Commodity Credit Corporation, with the approval of the President, is authorized to sell surplus agricultural commodities, acquired by such Corporation through its loan operations, to foreign governments on the condition that, except for rotation to prevent deterioration, such commodities shall be held in reserve by such governments for a period of not less than five years from the date of acquisition, and shall not be disposed of unless a war or war emergency results in a serious interruption of normal supplies of such commodities: Provided, That under this joint resolution no concession below the prevailing world market price for the unrestricted use of such commodities, as determined by the Secretary of Agriculture, shall be granted, in consideration of the obligation assumed by such governments to hold such commodities in reserve as required hereinbefore, in excess of a maximum amount equal to the average carrying charges, as estimated by the Secretary of Agriculture, that would be incurred if such commodities should be held for an additional eighteen months' period by the Commodity Credit Corporation. In determining specific cotton to be sold under this Act, the determination shall be made by sampling and selection at the place where the cotton is stored on the date of signing any sales agreement or contract under this Act, and no cotton shall be sold under any such sales agreement or contract which, after such date, is transported to any other place and there sampled and selected: Provided further, That in case of a sale, settlement must be made within sixty days after delivery and not more than five hundred thousand bales of cotton shall be sold upon the terms and conditions provided in this joint resolution. (Aug. 11, 1939, 53 Stat. 1418; 15 U. S. C., sec. 713a-6.)

699-10. Exchange of surplus agricultural commodities for reserve stocks of strategic materials.—That, notwithstanding any other provision of law, whenever the President, by and with the advice and consent of the Senate, has concluded a treaty involving the exchange of surplus agricultural commodities produced in the United States which are held under loans made or made available by the Commodity Credit Corporation for stocks of strategic and critical materials produced abroad, the Commodity Credit Corporation is authorized, upon terms and conditions prescribed by the Secretary of Agriculture, to accept such strategic and critical materials in exchange for such surplus agricultural commodities; and for the purpose of such exchange the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior acting jointly through the agency of the Army and Navy Munitions Board shall determine which materials are strategic and critical and the quantity and quality of such materials. In order to carry out the provisions of this Act, the Commodity Credit Corporation is authorized, upon terms and conditions prescribed by the Secretary of Agriculture, to procure, convey, transport, handle, store, maintain, or rotate such surplus agricultural commodities, and such reserve stocks of strategic and critical materials, as may be necessary to accomplish the purposes of this Act.

The Commodity Credit Corporation is authorized and directed to transfer to warehouses in or near cotton manufacturing centers in New England not to exceed three hundred thousand bales of cotton, to which it now has title or may hereafter acquire title, having regard for the grades and staples customarily required by manufacturers in that area: *Provided*, That all necessary costs in connection with such trans-

fer will not result in additional net cost to the Corporation.

In determining specific cotton to be exchanged under this Act, the determination shall be made by sampling and selection at the place where the cotton is stored on the date of ratification of a treaty providing for such exchange, and no cotton shall be exchanged under such treaty which, after such date, is transported to another place and there sampled and selected. Such reserve stocks of strategic and critical materials shall be stored on military or naval reservations or in other locations approved by the Secretary of War and the Secretary of the Navy. The Commodity Credit Corporation is authorized to transfer such reserve stocks of strategic and critical materials, upon such terms and conditions as the Secretary of Agriculture shall approve, to any other governmental agency. Such reserve stocks or strategic and critical materials shall be made available or disposed of by the Commodity Credit Corporation or other governmental agency only upon order of the President in accordance with the terms of the applicable treaty; when necessary to prevent deterioration, the Commodity Credit Corporation or other governmental agency is authorized to replace those quantities of the reserve stocks of such strategic and critical materials subject to deterioration with equivalent quantities of the same materials. The funds now or hereafter made available to the Commodity Credit Corporation are hereby made available to carry out the purposes of this Act. There is hereby authorized to be appropriated such additional sums as may be required to carry out the provisions of this Act. All funds for carrying out the provisions of this Act shall be available for allotment to bureaus and offices of the Department of Agriculture, and for transfer to such other agencies of the Federal Government as the Secretary of Agriculture may request to cooperate or assist in carrying out the provisions of this Act. (Aug.

11, 1939, 53 Stat. 1407; 15 U. S. C., sec. 713a-7.)

699-11. Use of Transferred Funds of Federal Surplus Commodities Corporation.—That in carrying out the provisions of clause (2) of section 32 of the Act approved August 24, 1935 (49 Stat. 774), as amended, the Secretary of Agriculture may transfer to the Federal Surplus Commodities Corporation, which Corporation is hereby continued, until June 30, 1942, as an agency of the United States under the direction of the Secretary of Agriculture, such funds, appropriated by said section 32, as may be necessary for the purpose of effectuating said clause (2) of section 32: Provided, That such transferred funds, together with other funds of the Corporation, may be used for purchasing, exchanging, processing, distributing, disposing, transporting, storing, and handling of agricultural commodities and products thereof and inspection costs, commissions, and other incidental costs and expenses, without regard to the provisions of existing law governing the expenditure of public funds and for administrative expenses, including rent, printing and binding, and the employment of persons and means, in the District of Columbia and elsewhere, such employment of persons to be in accordance with the provisions of law applicable to the employment of persons by the Agricultural Adjustment Administration.

In carrying out clause (2) of section 32, the funds appropriated by said section may be used for the purchase, without regard to the provisions of existing law governing the expenditure of public funds, of agricultural commodities and products thereof, and such commodities, as well as agricultural commodities and products thereof purchased under the preceding paragraph hereof, may be donated for relief purposes. (June 28, 1937, 50 Stat. 323, as amended Feb. 16, 1938, Title II, sec. 204, 52 Stat. 38; 7 U. S. C., sec. 612c note; 15

U. S. C., sec 713c.)

699-12. Annual report of Federal Surplus Commodities Corporation.—The Federal Surplus Commodities Corporation shall submit to Congress on the first day of each regular session an annual report setting forth a statement of the activities, receipts, and expenditures of the Corporation during the previous fiscal year. (June 28, 1937, 50 Stat. 323, as amended Feb. 16, 1938, Title II, sec. 204, 52 Stat. 38; 7 U. S. C.,

sec. 1293; 15 U.S.C., sec. 713c-1.)

699-13. Same; purchase and distribution of surplus fishery products.—That any part of the funds not to exceed \$1,500,000 per year, transferred by the Secretary of Agriculture to the Federal Surplus Commodities Corporation created under and to carry out the provisions of section 32 of the Act of August 24, 1935 (49 Stat. 774), as amended, may also be used by such Corporation for the purpose of diverting surplus fishery products (including fish, shellfish, mollusks, and crustacea) from the normal channels of trade and commerce by acquiring them and providing for their distribution through Federal, State, and private relief channels: Provided, That none of the funds made available to the Federal Surplus Commodities Corporation under this Act shall be used to purchase any of the commodities designated in this Act which may have been produced in any foreign

country. The provisions of law relating to the acquisition of materials or supplies for the United States shall not apply to the acquisition of commodities under this Act. (Aug. 11, 1939, sec. 1, 53 Stat.

1411; 15 U. S. C., sec. 713c-2.)

699–14. Same; use of funds to promote commerce in domestic fishery products.—(a)* From the fund authorized to be transferred by section 1 hereof, the Secretary of Agriculture is authorized to transfer to the Secretary of the Interior sums as follows to be maintained in a separate fund, \$75,000, which shall be used by the Secretary of the Interior to promote the free flow of domestically produced fishery products in commerce by conducting a fishery educational service; and \$100,000, which shall be used by the Secretary of the Interior to develop and increase markets for fishery products of domestic origin. (Aug. 11, 1939, sec. 2, 53 Stat. 1412; 15 U. S. C., sec. 713c–3.)

PRODUCTION, MARKETING, AND USE OF BITUMINOUS COAL

Note.—Paragraphs 700 and 701 of Laws Applicable, 1935, were repealed by section 20 (a) of Public, No. 48, Seventy-fifth Congress, approved April 26, 1937, 50 Stat. 91; 15 U. S. C., sec. 850, upon appointment of consumers' counsel and a majority of the members of the National Bituminous Coal Commission therein provided for. Paragraphs 700 and 701, below, have been substituted from the new act.

700. Labor relations-

Organization and collective bargaining. (a) It is hereby declared to

be the public policy of the United States that—

(1) Employees of producers of coal shall have the right to organize and to bargain collectively with respect to their hours of labor, wages, and working conditions through representatives of their own choosing, without restraint, coercion, or interference on the part of the producers.

(2) No producer shall interfere with, restrain, or coerce employees in the exercise of their said rights, nor discharge, or discriminate

against any employee for the exercise of such rights.

(3) No employee of any producer and no one seeking employment with him or it shall be required as a condition of employment to join any association of employees for collective bargaining in the management of which the producer has any share of direction or control.

Purchase by government from violators of labor rights forbidden. (b) No coal (except coal with respect to which no bid is required by law prior to purchase thereof) shall be purchased by the United States, or by any department or agency thereof, produced at any mine where the producer failed at the time of the production of such coal to accord to his or its employees the rights set forth in subsection (a) of this section.

Cancellation of contracts with producers violating labor rights. (c) Oil the complaint of any employee of a producer of coal, or other interested party, the Commission may hold a hearing to determine whether any producer supplying coal for the use of the United States or any agency thereof, is complying with the provisions of subsection (a) of this section. If the Commission shall find that such producer is not complying with such provisions, it shall certify its findings to the department or agency concerned. Such department or agency shall

^{*}So in original. There is no subsec. (b).

thereupon declare the contract for the supply of the coal of such pro-

ducer to be canceled and terminated.

Laws unaffected. (d) Nothing contained in this Act or section shall be construed to repeal or modify the provisions of the Act of March 23, 1932 (ch. 90, 47 Stat. 70), or of the Act of July 5, 1935 (ch. 372, 49 Stat. 449), known as the National Labor Relations Act, or of any other Act of Congress regarding labor relations or rights of employees to organize or bargain collectively, or of the Act of June 30, 1936 (ch. 881, 49 Stat. 2036.) (Apr. 26, 1937, sec. 9, 50 Stat. 87; 15 U. S. C., sec. 839.)

701. Duration of Bituminous Coal Act.—This Act shall cease to be in effect (except as provided in section 13 of the Revised Statutes) and any agencies and offices established thereunder shall cease to exist on and after four years from the date of the approval of this Act. (Apr

26, 1937, sec. 19, 50 Stat. 90; 15 U. S. C., sec. 849.)

701-1. Tax on coal.—

Exemption of Government agencies; maximum tax. (a) There is hereby imposed upon the sale or other disposal of bituminous coal produced within the United States when sold or otherwise disposed of by the producer thereof an excise tax of 1 cent per ton of two thousand pounds.

Sales to governmental divisions; exemption from minimum tax. (e) The tax imposed by subsection (a) of this section shall not apply in the case of a sale of coal for the exclusive use of the United States or of any State or Territory of the United States or the District of Columbia, or any political subdivision of any of them, for use in the performance of governmental functions. Under regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, a credit against the tax imposed by subsection (a) of this section or a refund may be allowed or made to any producer of coal in the amount of such tax paid with respect to the sale of coal to any vendee, if the producer has in his possession such evidence as the regulations may prescribe that such coal was resold by any person for the exclusive use of the United States or of any State, Territory of the United States, or the District of Columbia, or any political subdivision of any of them, for use in the performance of governmental (Apr. 26, 1937, sec. 3, 50 Stat. 75; 15 U. S. C., sec. 830 functions. (a), (e).)

701-2. Access to data of Governmental agencies.—All data, reports, and other information in the possession of any agency of the United States in relation to coal shall be available to the Commission and to the office of the consumers' counsel for the administration of this Act. (Apr. 26, 1937, sec. 4, Part II, 50 Stat. 81; 15 U. S. C., sec. 833 (f).)

CONSERVATION

THE NATIONAL PARKS, MILITARY PARKS, MONUMENTS, AND SEASHORES

739-1. Park, parkway and recreational-area programs; study by National Park Service; consent of States; purpose; cooperation of Government agencies.—That the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized and directed to cause the National

Park Service to make a comprehensive study, other than on lands under the jurisdiction of the Department of Agriculture, of the public park, parkway, and recreational-area programs of the United States, and of the several States and political subdivisions thereof, and of the lands throughout the United States which are or may be chiefly valuable as such areas, but no such study shall be made in any State without the consent and approval of the State officials, boards, or departments having jurisdiction over such lands and park areas. The said study shall be such as, in the judgment of the Secretary, will provide data helpful in developing a plan for coordinated and adequate public park, parkway, and recreational-area facilities for the people of the United In making the said study and in accomplishing any of the purposes of this Act, the Secretary is authorized and directed through the National Park Service, to seek and accept the cooperation and assistance of Federal departments or agencies having jurisdiction of lands belonging to the United States, and may cooperate and make agreements with and seek and accept the assistance of other Federal agencies and instrumentalities, and of States and political subdivisions thereof and the agencies and instrumentalities of either of them.

(June 23, 1936, sec. 1, 49 Stat. 1894; 16 U. S. C., sec. 17k.)

739-2. Establishment of Blue Ridge Parkway; administration.—That hereafter all lands and easements conveyed or to be conveyed to the United States by the States of Virginia and North Carolina for the right-of-way for the projected parkway between the Shenandoah and Great Smoky Mountains National Parks, together with sites acquired or to be acquired for recreational areas in connection therewith, and a right-of-way for said parkway of a width sufficient to include the highway and all bridges, ditches, cuts, and fills appurtenant thereto, but not exceeding a maximum of two hundred feet through Government-owned lands as designated on maps heretofore or hereafter approved by the Secretary of the Interior, shall be known as the Blue Ridge Parkway and shall be administered and maintained by the Secretary of the Interior through the National Park Service, subject to the provisions of the Act of Congress approved August 25, 1916 (39) Stat. 535), entitled "An Act to establish a National Park Service, and for other purposes", the provisions of which Act, as amended and supplemented, are hereby extended over and made applicable to said parkway: *Provided*, That the Secretary of Agriculture is hereby authorized, with the concurrence of the Secretary of the Interior, to connect with the parkway such roads and trails as may be necessary for the protection, administration, or utilization of adjacent and nearby national forests and the resources thereof: And provided further, That the Forest Service and the National Park Service shall, insofar as practicable, coordinate and correlate such recreational development as each may plan, construct, or permit to be constructed, on lands within their respective jurisdictions which, by mutual agreement, should be given special treatment for recreational purposes. (June 30, 1936, 49 Stat. 2041; 16 U.S. C., sec. 403i.)

739-3. Secretary of Agriculture authorized to connect national forest roads and trails to Natchez Trace Parkway; cooperation with Interior Department.—That all lands and easements heretofore and hereafter conveyed to the United States by the States of Mississippi, Alabama, and Tennessee for the right-of-way for the projected parkway between

Natchez, Mississippi, and Nashville, Tennessee, together with sites acquired or to be acquired for recreational areas in connection therewith, and a right-of-way for said parkway of a width sufficient to include the highway and all bridges, ditches, cuts, and fills appurtenant thereto, but not exceeding a maximum of two hundred feet through Government-owned lands (except that where small parcels of Government-owned lands would otherwise be isolated, or where topographic conditions or scenic requirements are such that bridges, ditches, cuts, fills, parking overlooks, and landscape development could not reasonably be confined to a width of two hundred feet, the said maximum may be increased to such width as may be necessary, with the written approval of the department or agency having jurisdiction over such lands) as designated on maps heretofore or hereafter approved by the Secretary of the Interior, shall be known as the Natchez Trace Parkway and shall be administered and maintained by the Secretary of the Interior through the National Park Service, subject to the provisions of the Act of Congress approved August 25, 1916 (39 Stat. 535), entitled "An Act to establish a National Park Service, and for other purposes", the provisions of which Act, as amended and supplemented, are hereby extended over and made applicable to said parkway: Provided, That the Secretary of Agriculture is hereby authorized, with the concurrence of the Secretary of the Interior, to connect with said parkway such roads and trails as may be necessary for the protection, administration, or utilization of adjacent and nearby national forests and the resources thereof: And provided further, That the Forest Service and the National Park Service shall, insofar as practicable, coordinate and correlate such recreational developments as each may plan, construct, or permit to be constructed, on lands within their respective jurisdictions, which, by mutual agreement, should be given special treatment for recreational purposes. (May 18, 1938, sec. 1, 52 Stat. 407; 16 U. S. C., sec. 460.)

739-4. Location of parkways.—For the construction and maintenance of parkways, to give access to national parks and national monuments, or to become connecting sections of a national parkway plan, over lands to which title has been transferred to the United States by the States or by private individuals, there is hereby authorized to be appropriated the sum of \$6,000,000 for the fiscal year ending June 30, 1940, and the sum of \$8,000,000 for the fiscal year ending June 30, 1941: Provided, That hereafter the location of such parkways upon public lands, national forests, or other Federal reservations shall be determined by agreement between the department having jurisdiction over such lands and the National Park Service. (June 8, 1938, sec. 8, 52)

Stat. 635; 16 U.S.C., sec. 460b.)

739-5. Mount Rushmore Memorial Act; title.—That this Act may be cited as the "Mount Rushmore Memorial Act of 1938." (June 15,

1938, sec. 1, 52 Stat. 694.)

739-6. Same; commission created.—That a commission is hereby created and established, to be known as the Mount Rushmore National Memorial Commission (hereafter referred to as the commission), to consist of twelve members, who shall be appointed by the President. The members shall serve at the pleasure of the President, who shall fill all vacancies that from time to time occur. Any six members of the Commission shall constitute a quorum. No member of the Com-

mission shall receive compensation for his services, but the actual expenses of any member in connection with the work of the Commission may be paid from any appropriations available for the purpose of carrying out the provisions of this Act: *Provided*, That nothing in this section shall be deemed to prohibit the payment to any member of the Commission who may be elected secretary or treasurer of the Commission of such compensation for the performance of his duties as secretary or treasurer, as may be determined by the Commission. (Feb. 25, 1929, sec. 1, 45 Stat. 1300; Mar. 4, 1929, 45 Stat. 1627; June 15, 1938, sec. 2, 52 Stat. 694.)

739-7. Same; duties of commission; effect on Department of Agricul-

ture.—The Commission is authorized—

(a) To designate and describe by metes and bounds an area of not more than fifteen hundred acres of the public lands of the United States within the Harney National Forest, State of South Dakota, immediately surrounding the Mount Rushmore National Memorial. Upon such designation such area is hereby reserved for and declared to be a part of the Mount Rushmore National Memorial, and withdrawn from location or entry under the mining or other laws of the United States. The Commission shall prepare a survey of such area and shall furnish a plat thereof to the Secretary of Agriculture, the Secretary of the Interior, and the United States land office at Pierre, South Dakota: Provided, That this Act shall not defeat or affect any vested right under the mining or other laws of the United States and which is hereafter maintained in accordance therewith.

(b) To receive and take over all property, contracts, rights, and moneys heretofore possessed by the Mount Harney Memorial Association, including memoranda, records, sketches, models, and the incom-

pleted figures on Mount Rushmore.

(c) To administer funds appropriated, or obtained by gifts, the acceptance of which is hereby authorized, for the purpose of completing, developing, and maintaining the memorial, and to pay out the same upon properly receipted vouchers to persons entitled thereto.

(d) To employ, without regard to the civil-service laws and the Classification Act of 1923, as amended, such artists, sculptors, landscape architects, and other employees as it shall determine to be

necessary to carry out the purposes of this Act.

(e) To administer, protect, and develop the memorial.

(f) To exercise such other powers and functions, including the promulgation of such rules and regulations, as may be necessary and proper to carry out the purposes of this Act. (Feb. 25, 1929, sec. 4, 45 Stat. 1300; Mar. 4, 1929, 45 Stat. 1627; June 15, 1938, sec. 2, 52

Stat. 694.)

739-8. Secretary of the Interior authorized to encourage travel in United States.—That the Secretary of the Interior is authorized and directed, through the National Park Service, to encourage, promote, and develop travel within the United States, its Territories and possessions, providing such activities do not compete with the activities of private agencies; and to administer all existing travel promotion functions of the Department of the Interior through such Service. (July 19, 1940, sec. 1, 54 Stat. 773.)

739-9. Same; advising Committee to include representative from Department of Agriculture.—The Secretary of the Interior is authorized to create an advisory committee to consist of a representative from each of the Departments of State, Agriculture, and Commerce, the Interstate Commerce Commission, the Civil Aeronautics Authority, and the United States Maritime Commission, as may be designated by such Departments or agencies, respectively, and such additional members, representatives of the various sections of the Nation, including transportation and accommodations agencies, not to exceed six members, to be appointed by the Secretary of the Interior to serve at his pleasure. Meetings of the committee shall be held at the request of the Secretary for the purpose of making recommendations concerning the promotion of tourist travel under the provisions of this Act. The members of the committee shall receive no compensation for their services as members, but shall be entitled to reimbursement for such necessary travel and other expenses in connection with their attendance at committee meetings as may be authorized or approved by the Secretary. (July 19, 1940, sec. 3, 54 Stat. 773.)

THE NATIONAL FORESTS

942a. Evaluation of receipts from sale of forest products.—*Provided further*, That in sales of logs, ties, poles, posts, cordwood, pulpwood, and other forest products the amounts made available for schools and roads by the Act of May 23, 1908 (16 U. S. C. 500), and the Act of March 4, 1913 (16 U. S. C. 501), shall be based upon the stumpage value of the timber. (June 30, 1939, Title I, 53 Stat. 956; 16 U. S. C.,

sec. 501a.)

1027-1. Additional lands within State of Montana.—That the President of the United States is authorized, in his discretion, to add to existing national forests, or to include within new national forests, by proclamation or Executive order, any unappropriated public lands of the United States situated in the State of Montana which, in his opinion, are chiefly valuable for the production of timber or the protection of watersheds: *Provided*, That the inclusion of such lands within a national forest shall be subject to any claim, entry, or appropriation under the public land laws then valid and subsisting and thereafter legally maintained. (July 20, 1939, sec. 1, 53 Stat. 1071; 16 U. S. C., sec. 471b.)

1027-2. Lincoln National Forest; mining rights.—That hereafter mining locations made under the United States mining laws upon lands within the watershed of the headwaters of the Bonito River in the Lincoln National Forest within the State of New Mexico, specifically described as those certain pieces or parcels of land situate, lying, and being in the county of Lincoln, State of New Mexico, described as

follows:

The east half east half section 12, east half east half section 13, east half northeast quarter section 24, township 10 south, range 10 east, New Mexico principal meridian; southeast quarter section 25, southwest quarter section 26, south half section 27, southeast quarter and south half southwest quarter section 28, southeast quarter section 31, and all of sections 32, 33, 34, 35, and 36, township 9 south, range 11

east. New Mexico principal meridian; all of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 27, 28, and 29, north half section 19, north half and southwest quarter section 24, northwest quarter section 26, north half northeast quarter section 32, and north half north half section 33, township 10 south, range 11, east, New Mexico principal meridian; southwest quarter section 25, south half of fractional section 26, all of fractional section 35, and all of section 36, township 9 south, range 12 east, New Mexico principal meridian; all of section 1, all of fractional section 2, all of fractional section 11, all of section 12, all of section 13, all of fractional section 14, north half of fractional section 23, and north half section 24, township 10 south, range 12 east, New Mexico principal meridian; having an area of approximately thirty-nine and three hundred and seventy-six one-thousandths square miles, shall confer on the locator the right to occupy and use only so much of the surface of the land covered by the location as may be reasonably necessary to carry on prospecting and mining, including the taking of mineral deposits and timber required by or in the mining operations, and no permit shall be required or charge made for such use or occupancy: Provided, however, That the cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for buildings or structures used in connection with mining operations, shall be conducted in accordance with the rules for timber cutting on adjoining national-forest land, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining and prospecting shall be allowed except under the national-forest rules and regulations, nor shall the locator prevent or obstruct other occupancy of the surface or use of surface resources under authority of national-forest regulations, or permits issued thereunder, if such occupancy or use is not in conflict with mineral development. (June 13, 1939, sec. 1, 53 Stat. 817; 16 U. S. C., sec. 482e.)

1027-3. Same; patents.—That hereafter all patents issued under the United States mining laws affecting lands within the watershed of headwaters of the Bonito River in the Lincoln Forest, in the State of New Mexico, shall convey title to the mineral deposits within the claim, together with the right to cut and remove so much of the mature timber therefrom as may be needed in extracting and removing the mineral deposits, if the timber is removed in accordance with the rules for timber cutting on adjoining national-forest land, but each patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except under the rules and regulations of the Department of Agriculture. (June 13.

1939, sec. 2, 53 Stat. 818; 16 U. S. C., sec. 482f.)

1027-4. Same; perfection of claims.—That valid mining claims within the watershed of the headwaters of the Bonito River in the Lincoln National Forest, within the State of New Mexico, as above described existing on the date of the enactment of this Act and thereafter maintained in compliance with the law under which they were initiated and the laws of the State of New Mexico may be perfected under this Act or under the laws under which they were

initiated, as the claimant may desire. (June 13, 1939, sec. 3, 53 Stat.

818; 16 U. S. C., sec. 482g.)

1027-5. Same; lands adjacent to Chelan National Forest.—That the provisions of the Act of Congress approved March 20, 1922 (42 Stat. 465; U. S. C., title 16, sec. 485), be, and the same are hereby, extended and made applicable to any lands within four miles of the present boundaries of the Chelan National Forest. Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the Chelan National Forest and subject to all laws relating thereto. Any lands in public ownership lying within the area described in this Act and found to be valuable for national-forest purposes may, upon recommendation of the Secretaries of Agriculture and of the Interior, be added to the Chelan National Forest by proclamation of the President: Provided, however, That nothing contained herein shall affect prior valid existing claims or entries or prior existing withdrawals or reservations. (Aug. 2, 1935, 49 Stat. 508; 16 U. S. C., sec. 485a.)

1027-6. Exchange of lands in national forests; reservations of timber, minerals, or easements.—That the provisions of section 2 of the Act of Congress approved February 28, 1925 (43 Stat. 1090; U. S. C., title 16, sec. 486), authorizing reservations by either party to an exchange under the Act of Congress approved March 20, 1922 (42 Stat. 465; U. S. C., title 16, sec. 485), are hereby extended and made applicable to exchanges of lands under the Acts of Congress approved February 14, 1923 (42 Stat. 1245), and February 7, 1929 (45 Stat. 1154), which authorize the United States to acquire privately owned lands situated within certain townships in the Lincoln National Forest in the State of New Mexico by exchanging therefor an equal value of unreserved and unappropriated public lands within said State. (June 25, 1935, 49 Stat. 422; 16 U. S. C., sec. 486 note.)

1027-7. Lands eligible for addition to Úmatilla and Whitman National Forests.—That within the following-described boundaries, any lands not in Government ownership which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes may be offered in exchange under the provisions of the Act of March 20, 1922 (42 Stat. 465), as amended by the Act of February 28, 1925 (43 Stat. 1090; U. S. C., 1934 ed., title 16, secs. 485, 486), upon notice as therein provided, and upon acceptance of title, shall become parts of the

Umatilla or Whitman National Forests to wit:

Sections 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, and 36; the south half, the northeast quarter, the north half northwest quarter and the southwest quarter northwest quarter of section 27; the north half, the southeast quarter, the north half southwest quarter and the southeast quarter southwest quarter of section 35, township 2 south, range 37 east,

Willamette meridian.

Sections 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 29, and 30; the west half, the south half southeast quarter, the north half northeast quarter, and the southeast quarter northeast quarter section 7; the east half, the northwest quarter, the east half southwest quarter, and the southwest quarter southwest quarter section 8, township 3 south, range 37 east, Willamette meridian.

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24; the north half, the southeast quarter, the north half

southwest quarter, and the southwest quarter southwest quarter section 21; the south half, the northwest quarter, the north half northeast quarter, and the southwest quarter northeast quarter section 30,

township 3 south, range 36 east, Willamette meridian.

Sections 22, 27, 28, 29, 32, 33, 34, 35, and 36; the west half, south half southeast quarter, north half northeast quarter, and southeast quarter northeast quarter section 23; the east half, the southwest quarter, the south half northwest quarter, and the northeast quarter northwest quarter section 24; the north half, the southeast quarter, the north half southwest quarter, and the southwest quarter southwest quarter section 25; the north half, the southwest quarter, the west half southeast quarter, and the southeast quarter section 26, township 3 south, range 35 east, Willamette meridian.

Sections 1, 2, 3, 5, 8, 9, 10, 11, 12, 14, 15, 16, 20, 21, and 22; the north half, the southeast quarter, the west half southwest quarter, and the southwest quarter southwest quarter section 4; the north half, the southwest quarter, the north half southeast quarter, and the southwest quarter southeast quarter section 17; the west half, the southeast quarter, the north half northeast quarter, and the southeast quarter northeast quarter section 23, township 4 south, range 35 east, Willamette meridian. (June 19, 1936, 49 Stat. 1534; 16 U. S. C., sec. 486l.)

1027-8. Lands added to Columbia National Forest.—That, subject to any valid existing claim or entry, all lands of the United States within the areas hereinafter described be, and the same are hereby, added to and made parts of the Columbia National Forest, in the State of Washington, to be hereinafter administered under the laws and regulations relating to the national forests; and the provisions of the Act approved March 20, 1922 (U. S. C., title 16, secs. 486, 487), as amended, are hereby extended and made applicable to all other lands within the said described area.

Sections 1 to 3, inclusive, and 11 and 12, township 2 north, range 4 east; sections 1 to 3, inclusive, 6 to 8, inclusive, and 10 to 36, inclusive, township 3 north, range 4 east; sections 1 to 28, inclusive, 34 to 36, inclusive, township 4 north, range 4 east; all of township 5 north, range 4 east; sections 1, 2, 11 to 15, inclusive, 22 to 27, inclusive, and 33 to 36, inclusive, township 6 north, range 4 east; sections 4 to 9, inclusive, 16 to 21, inclusive, 28 to 33, inclusive, township 6 north, range 5 east, all in the State of Washington, Willamette meridian. (Aug. 12, 1937, 50 Stat. 622; 16 U. S. C., sec. 486m.)

1027-9. Lands added to Black Hills National Forest.—That subject to all valid existing claims, entries, and leases, all of the lands of the United States within the following-described area are hereby added to and made a part of the Black Hills National Forest in the State of Wyoming, and such lands shall hereafter be administered under

the laws and regulations relating to the national forests:

BEAR LODGE UNIT, SIXTH PRINCIPAL MERIDIAN

Township 55 north, range 63 west: Sections 5 to 9, inclusive, 16 to 21, inclusive, 28 to 34, inclusive, and west half section 4, west half section 27.

Township 54, north, range 63 west: Sections 4 to 9, inclusive, 17, 18, 19, 28 to 32, inclusive, west half section 3; north half northeast

quarter and west half section 20; north half, southwest quarter and north half southwest quarter southeast quarter section 33.

Township 53 north, range 65 west: Sections 1, 12, 13, 24, 25, 36.

Township 53 north, range 64 west: Sections 1 to 12, inclusive, 15 to 22, inclusive, 27 to 34, inclusive, northeast quarter and west half section 14.

Township 53 north, range 63 west: North half section 5, section 6,

and northwest quarter section 7.

Township 52 north, range 65 west: Sections 1 to 36, inclusive.

Township 52 north, range 64 west: Sections 3 to 10, inclusive, 14 to 36, inclusive.

Township 52 north, range 63 west: Section 31 and east half section

36.

Township 51 north, range 63 west: Sections 1, 6, 8, 10, 11, 12, and west half southwest quarter section 5; east half northeast quarter,

southeast quarter, south half southwest quarter section 9.

Any of the lands described in the first section of this Act which are privately owned may be accepted in exchange by the Secretary of the Interior under the provisions of the Act entitled "An Act to consolidate national forest lands", approved March 20, 1922, as amended. All of such lands so accepted in exchange shall be added to and made a part of the Black Hills National Forest in the State of Wyoming and shall thereafter be administered under the laws and regulations relating to the national forests. (June 15, 1938, secs. 1, 2, 52 Stat. 686; 16 U. S. C., sec. 486n.)

1027-10. Lands added to Ochoco National Forest.—That, subject to existing valid claims, the following-described lands be, and the same hereby are, added to the Ochoco National Forest, Oregon, and made

subject to all laws appertaining to the national forests, to wit:

WILLAMETTE BASE AND MERIDIAN

Township 12 south, range 17 east, northwest quarter section 4, section 6, west half section 19, south half section 21, and sections 28 to 33, inclusive;

Township 12 south, range 16 east, sections 1 to 4, inclusive, sections 9 to 16, inclusive, sections 21 to 28, inclusive, and sections 33 to 36,

inclusive;

Township 13 south, range 15 east, sections 1 and 2, and 11 to 14,

inclusive;

Township 13 south, range 16 east, sections 1 to 18, inclusive, 23 to 26, inclusive, and sections 35 and 36;

Township 14 south, range 17 east, sections 1 to 12, inclusive;

Township 14 south, range 18 east, sections 1 to 16, inclusive, sections 21 to 28, inclusive, and sections 33 to 36, inclusive;

Township 14 south, range 19 east, sections 4 to 9, inclusive, sections

16 to 23, inclusive, and sections 26 to 36, inclusive;

Township 15 south, range 18 east, sections 1 to 4, inclusive, sections 9 to 16, inclusive, and sections 19 to 36, inclusive;

All of township 15 south, range 19 east; Township 15 south, range 20 east, section 31; Township 15 south, range 22 east, section 16;

Township 15 south, range 23 east, section 16; Township 15 south, range 24 east, section 19;

Township 16 south, range 18 east, sections 1 to 4, inclusive;

Township 16 south, range 19 east, sections 5 and 6;

Township 16 south, range 20 east, south half section 3, south half section 4, and sections 9 to 12, inclusive. (June 15, 1938, 52 Stat. 692;

16 U. S. C., sec. 4860.)

1027-11. Lands added to Kaniksu National Forest.—That the provisions of the Act of March 20, 1922 (U. S. C., title 16, sec. 485), be, and the same are hereby, extended and made applicable to the following-described lands, and such of said lands as are now owned by the United States are hereby given, subject to all valid existing claims and entries under the various land laws of the United States, a national-forest status and shall hereafter be administered as parts of the adjacent Kaniksu National Forest and subject to all laws and regulations relating thereto:

WILLAMETTE MERIDIAN

Township 31 north, range 46 east: Section 6 and that part of section 7 north of the Clark Fork River.

Township 31 north, range 45 east: That portion of sections 1 and

12 north of the Clark Fork River.

Township 32 north, range 46 east: Section 31.

Township 32 north, range 45 east: Sections 5, 6, 7, 8, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, that part of 30, 32, 33, 34, 35, north of the Clark Fork River, and section 36.

Township 32 north, range 44 east: All that part north and east of

the Clark Fork River.

Township 33 north, range 44 east: Sections 1, 2, 3, 4, east half, east half northwest quarter section 5, east half northeast quarter, northwest quarter northeast quarter section 8, sections 9, 10, 11, 12, 13, 14, 15, 16, northeast quarter northeast quarter section 17, east half southeast quarter section 20, sections 21, 22, 23, 25, 26, 27, 28, east half, north half northwest quarter section 33, sections 34, 25, and 36

sections 34, 35, and 36.

Township 34 north, range 44 east: Section 4, that part of sections 5, 6, and 7 east of the Clark Fork River, sections 8, 9, 16, 17, that part of 18 and 19 east of the Clark Fork River, north half, north half south half section 20, sections 21 and 28, southeast quarter southeast quarter section 29, east half northeast quarter, southwest quarter northeast quarter, southeast quarter northwest quarter, east half southwest quarter, southeast quarter section 32, and section 33.

Township 35 north, range 43 east: Section 1, that part of sections

2, 11, and 12 lying north and east of the Clark Fork River.

Township 35 north, range 44 east: Sections 4, 5, 6, that part of 7 east of the Clark Fork River, sections 8, 9, 15, 16, 17, that part of 18, 19, and 20 east of the Clark Fork River, sections 21, 22, 25, 26, 27, 28, that part of 29 and 32 east of the Clark Fork River, sections 33, 34, 35, and 36.

Township 36 north, range 43 east: All east of the Clark Fork River. Township 37 north, range 43 east: That part of sections 5, 8, 16, 17, 20, 21, 28, 29, and 33 east of the Clark Fork River.

Township 38 north, range 43 east: Those parts of the west half section 4, sections 5 and 8, west half section 17, sections 18 and 19, west half section 20, sections 29 and 32 lying east of the Clark Fork River.

Township 39 north, range 43 east: That part of section 21 lying east of the Clark Fork River, west half section 22, northwest quarter section 27, that part of section 28 and northwest quarter section 33 lying east of the Clark Fork River. (May 26, 1938, 52 Stat. 443; 16 U. S. C., sec. 486p.)

That all lands of the United States situated within the area hereinafter described, including those acquired, or in course of acquisition, under the provisions of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195), the Emergency Relief Appropriation Act, approved April 8, 1935 (49 Stat. 115), or the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522), are hereby added to and made parts of the Kaniksu National Forest, Washington, and shall hereafter be subject to the rules and regulations applicable to national-forest lands, but claims, entries, filings, or appropriations under the public-lands laws, or special provisions included in conveyances of title to the United States, valid and subsisting at the date of this Act and thereafter legally maintained, shall not be affected by this Act.

WILLAMETTE MERIDIAN

East half, section 1; east half section 12; east half northeast quarter, section 13; township 33 north, range 39 east.

North half, north half southwest quarter, southeast quarter southwest quarter, and west half southeast quarter, section 1; east half northeast quarter, northeast quarter southeast quarter, north half northwest quarter, southwest quarter northwest quarter, and southwest quarter, section 2; sections 3 to 5, inclusive; northeast quarter, northeast quarter northwest quarter, south half northwest quarter, and south half, section 6; sections 7 to 10, inclusive; northwest quarter northeast quarter, south half northeast quarter, west half, north half southeast quarter, and southwest quarter southeast quarter, section 11; sections 15 and 16; north half, north half south half, south half southeast quarter, and southwest quarter southwest quarter, section 17; east half and northwest quarter, section 18; all of section 19; east half, and west half northwest quarter, section 20; all of section 21; north half north half, southwest quarter northeast quarter, and northwest quarter southwest quarter, section 22; west half east half and north half northwest quarter, section 30; township 33 north, range 40 east.

Those parts of section 23 to 26, inclusive, lying south of the divide between the waters of Bear Creek and North Fork Chewelah Creek; that part of section 27 lying within the watersheds of North Fork Chewelah Creek or Twelve Mile Creek; that part of section 28 lying within the watershed of Twelve Mile Creek; south half, section 29; northeast quarter southeast quarter, section 30; southeast quarter northeast quarter, southeast quarter southwest quarter, and southeast quarter, section 31; northeast quarter, northeast quarter northwest quarter, south half northwest quarter, and south half, section 32; sections 33 to 36, inclusive; township 34 north, range 40 east.

Northwest quarter northwest quarter, section 2; northeast quarter northeast quarter, section 3; township 35 north, range 40 east.

Sections 1 to 7, inclusive; north half, and east half southeast quarter, section 8; sections 9 to 15, inclusive; north half, and east half southeast quarter, section 16; south half northeast quarter, and north half southeast quarter, section 17; northeast quarter, northeast quarter northwest quarter, south half northwest quarter, and south half, section 21; sections 22 to 28, inclusive; sections 33 to 36, inclusive; township 36 north, range 40 east.

Sections 1 and 2; lots 1, 2, 7, 8, 9, 10, 15, and 16, southeast quarter, east half southwest quarter, and southwest quarter southwest quarter, section 3; lots 1 to 15, inclusive, northwest quarter southeast quarter, south half southeast quarter, and southwest quarter, section 4; sec-

tions 5 to 36, inclusive; township 37 north, range 40 east.

Southeast quarter, section 12; township 31 north, range 41 east. Sections 1 to 4, inclusive; sections 9 to 17, inclusive; east half east half section 18; sections 22 to 27, inclusive; sections 34 to 36,

inclusive; township 32 north, range 41 east.

Sections 1 to 5, inclusive; lots 1, 2, 14, south half northeast quarter, east half southeast quarter, southwest quarter southeast quarter, section 6; northeast quarter, lots 1, 6, 7, 8, 9, 10, 11, 12, southeast quarter, section 7; sections 8 to 16, inclusive; north half, southwest quarter, north half southeast quarter, section 17; northeast quarter, lots 6, 7, 8, 9, 10, 11, 12, southeast quarter, section 18; lots 1 to 7, inclusive, lots 9, 10, 12, northeast quarter, north half southeast quarter, section 19; northwest quarter northwest quarter section 20; northeast quarter, northeast quarter northwest quarter, and south half northwest quarter, section 21; southeast quarter northeast quarter section 22; north half, southeast quarter, north half southwest quarter, and southeast quarter southwest quarter, section 23; sections 24 to 26, inclusive; northeast quarter, east half northwest quarter, southwest quarter northwest quarter, and south half, section 27; south half north half, and south half, section 28; all section 29; east half section 30; north half northeast quarter, southeast quarter northeast quarter, and southeast quarter, section 31; sections 32 to 36, inclusive; township 33 north, range 41 east.

All of sections 23 to 30, inclusive, lying within the watershed of North Fork Chewelah Creek, sections 31 to 36, inclusive, township

34 north, range 41 east.

Lots 2, 3, 4, 5, 6, 11, and 12, north half southwest quarter, section 4; lots 1 to 12, inclusive, north half south half, southeast quarter southwest quarter, and southwest quarter southeast quarter, section 5; all of section 6; northeast quarter northwest quarter, section 7; township 35 north, range 41 east.

Sections 1 to 24, inclusive; west half section 27; sections 28 to 32, inclusive; north half, southwest quarter, north half southeast quarter, southwest quarter southeast quarter, section 33; northwest quarter, northwest quarter southwest quarter section 34; township 36 north,

range 41 east.

Sections 1 to 36, inclusive, township 37 north, range 41 east.

Sections 1 to 3 inclusive; southwest quarter southeast quarter, section 4; northwest quarter northeast quarter, south half northeast quarter, east half northwest quarter, and south half, section 9; sec-

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tions 10 to 16, inclusive; sections 21 to 28, inclusive; sections 33 to 36,

inclusive; township 38 north, range 41 east.

Sections 1 to 6, inclusive; northeast quarter, south half northwest quarter, and south half, section 7; sections 8 to 27, inclusive; north half section 28; sections 29 and 30; north half section 31; north half and southeast quarter, section 33; sections 34 to 36, inclusive; township 31 north, range 42 east.

Sections 1 to 36, inclusive, township 32 north, range 42 east. Sections 1 to 36, inclusive, township 33 north, range 42 east.

Sections 1 to 4, inclusive; those parts of sections 5 to 8, inclusive, lying within the Tacoma Creek watershed; sections 9 to 16, inclusive; those parts of sections 17, 18, and 19 lying within the watersheds of Tacoma and Drummond Creeks; sections 20 to 29, inclusive; those parts of section 30 lying within the Drummond Creek watershed; section 31 to 36, inclusive; township 34 north, range 42 east.

That portion of the township lying east of the Divide between the watersheds of the Pend Oreille River on the east and the Colville

River on the west, township 35 north, range 42 east.

Sections 1 to 18, inclusive; north half, north half south half, section 19; north half, north half south half, section 20; north half, north half south half, section 21; sections 22 to 27, inclusive; that portion lying on the watershed of the Pend Oreille River, section 33; sections

34 to 36, inclusive; township 36 north, range 42 east.

Northeast quarter northeast quarter, north half northwest quarter, and southwest quarter northwest quarter, section 1; sections 2 to 11, inclusive; east half northwest quarter, southwest quarter, and southwest quarter southeast quarter, section 12; northwest quarter northeast quarter, and west half, section 13; sections 14 to 23, inclusive; south half, section 24; sections 25 to 36, inclusive; township 37 north, range 42 east.

Lots 10 to 16, inclusive, and south half, section 1; lots 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, and 16, and south half, section 2; sections 3 to 11, inclusive; northwest quarter, south half, and northwest quarter northeast quarter, section 12; sections 13 to 36, inclusive; township 38 north,

range 42 east.

Sections 1 to 36, inclusive; township 39 north, range 42 east.

Sections 1 to 3, inclusive; sections 10 to 15, inclusive; sections 19 to

36, inclusive; township 40 north, range 42 east.

Sections 4 to 9, inclusive; sections 16 to 21, inclusive; sections 28 to 32, inclusive; north half, southwest quarter, north half southeast quarter, southwest quarter southeast quarter, section 33; township 31 north, range 43 east.

West half section 5; sections 6 and 7; north half north half, and south half, section 8; sections 17 to 20, inclusive; southwest quarter section 21; southwest quarter, and south half southeast quarter, section 28; sections 29 to 33, inclusive; township 32 north, range 43 east.

Sections 4 to 9, inclusive; northwest quarter southwest quarter, section 10; sections 16 to 21, inclusive; north half, southwest quarter, north half southeast quarter, and southwest quarter southeast quarter, section 29; sections 30 and 31; west half northeast quarter, and west half, section 32; township 33 north, range 43 east.

North half, north half south half, and southwest quarter southwest quarter, section 1; sections 2 to 11, inclusive; sections 15 to 22, inclu-

sive; north half northwest quarter, section 27; sections 28 to 34, in-

clusive; township 34 north, range 43 east.

Lot 7, section 2; sections 3 to 10, inclusive; southwest quarter northwest quarter, and southwest quarter, lots 3 and 4, section 11; north half, southwest quarter, and north half southeast quarter, section 14; sections 15 to 22, inclusive; north half, southwest quarter, north half southeast quarter, and southwest quarter southeast quarter, section 23; sections 25 to 36, inclusive; township 35 north, range 43 east.

Sections 5 to 8, inclusive; sections 17 to 20, inclusive; sections 28 to 33, inclusive; lot 4, southeast quarter northwest quarter, southwest quarter, and west half southeast quarter, section 34; township 36 north, range 43 east.

All of section 31, township 37 north, range 43 east.

Lots 6 and 7, section 6; lots 2, 3, and 4, east half southwest quarter, west half southeast quarter, south half northeast quarter, and southeast quarter northwest quarter, section 7; west half southwest quarter, section 19; township 38 north, range 43 east.

Lots 1 and 2, section 3; north half, southeast quarter, north half southwest quarter, and southwest quarter southwest quarter, section 4; sections 5 to 8, inclusive; sections 17 to 20, inclusive; north half north half, section 30; northwest quarter northwest quarter, section

31; township 39 north, range 43 east.

Lots 4, 7, and 9, east half southwest quarter, and southwest quarter southwest quarter, section 3; lots 2, 3, and 4, and south half, section 4; sections 5 to 9, inclusive; section 10, that part west of the Pend Oreille River; sections 15 to 21, inclusive; northwest quarter northeast quarter, south half northeast quarter, northwest quarter, and south half, section 22; sections 27 to 33, inclusive; northwest quarter, and south half, section 34; township 40 north, range 43 east. (Aug. 10, 1939,

sec. 1, 53 Stat. 1347; 16 U.S. C., sec. 486p-1.)

1027-13. Same; exchanges for additional lands added to Kaniksu National Forest.—Any of the lands described in the first section of this Act which are privately owned may be accepted in exchange by the Secretary of the Interior under the provisions of the Act entitled, "An Act to consolidate national-forest lands", approved March 20, 1922, as amended (U. S. C., title 16, secs. 485, 486). All of such lands so accepted in exchange shall thereupon be added to and made a part of the Kaniksu National Forest in the State of Washington and shall thereafter be administered under the laws and regulations relating to the national forests. Lands received in exchange or purchased under the provisions of this Act shall be open to mineral locations, mineral development, and patent, in accordance with the mining laws of the United States. (Aug. 10, 1939, sec. 2, 53 Stat. 1350; 16 U. S. C., sec. 486p-2.)

1027-14. Lands added to Rio Grande National Forest.—That the following-described lands be, and the same are hereby, added to and made a part of the Rio Grande National Forest in the State of Colorado, subject to prior adverse rights, and are to be hereafter administered under the laws and regulations relating to the national forests:

NEW MEXICO PRINCIPAL MERIDIAN

Sections 21 and 22, and sections 25 to 36, inclusive, township 42 north, range 5 east.

Sections 31, 32, and 33, township 42 north, range 6 east.

East half section 7; sections 8 to 17, inclusive; east half section 18; sections 19 to 29, inclusive; east half section 30; sections 32 to 36, inclusive; township 41 north, range 4 east.

All of township 41 north, range 5 east.

West half of township 41 north, range 6 east.

Sections 1 to 5, inclusive, and sections 8 to 19, inclusive, township 40 north, range 4 east.

Sections 1 to 6, inclusive, township 40 north, range 5 east.

Sections 4, 5, and 6, township 40 north, range 6 east.

Sections 4, 10, 11, 12, 13; northwest quarter section 14; east half northwest quarter, northeast quarter section 15; sections 24, 25, and 36; township 39 north, range 4 east.

Sections 13 to 36, inclusive, township 39 north, range 5 east.

Sections 16 to 21, inclusive, and sections 28 to 33, inclusive, town-

ship 39 north, range 6 east.

Section 1, east half section 2, northeast quarter section 11, sections 12 to 13, north half and southeast quarter section 24, township 38 north, range 5 east.

Sections 4 to 9, inclusive, and sections 16 to 21, inclusive, township 38 north, range 6 east. (June 20, 1938, 52 Stat. 781; 16 U. S. C., sec.

486q.)

1027-15. To authorize the addition of certain lands to the Shasta, Modoc, and Lassen National Forests, California.—That within the followingdescribed areas any lands not in Government ownership, which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes, may be offered in exchange under the provisions of the Act of March 20, 1922 (Public, Numbered 173; 42 Stat. L. 465), as amended by the Act of February 28, 1925 (Public, Numbered 513), upon notice as therein provided and upon acceptance of title, shall become parts of the said national forests; and any of such described areas in Government ownership, found by the Secretaries of Agriculture and the Interior to be chiefly valuable for national-forest purposes and not now parts of any national forest, may be added to said national forests as herein provided by proclamation of the President, subject to all valid claims and provisions of existing withdrawals: Provided, That any lands received in exchange or purchased under the provisions of this Act shall be open to mineral locations, mineral development, and patent, in accordance with the mining laws of the United States.

To the Shasta National Forest, California: Township 36 north, range 3 east, section 36;

Township 36 north, range 4 east, sections 7 to 9, inclusive, 16 to 21, inclusive, and 28 to 33, inclusive;

Township 37 north, range 3 east, sections 1, 9, 10, 15, and 16;

Township 37 north, range 4 east, sections 5 and 8;

Township 38 north, range 4 east, sections 1, 2, 11 to 20, inclusive, and 29 to 32, inclusive;

Township 38 north, range 4 west, section 21;

Township 38 north, range 5 east, sections 4 to 9, inclusive, 18 and 19;

Township 39 north, range 4 east, sections 13, 24, 25, 26, 35, and 36; To the Modoc National Forest, California:

Township 38 north, range 5 east, sections 21, 22, 25, 26, 27, 34, 35, and 36:

Township 43 north, range 5 east, sections 2 to 11, inclusive, and

14 to 18, inclusive;

Township 44 north, range 5 east, sections 19 to 23, inclusive, and 26 to 35, inclusive;

To the Lassen National Forest, California: Township 27 north, range 10 east, section 6;

Township 28 north, range 6 east, sections 1, 2, 3, 12, 13, 14, 22 to

27, inclusive, 32, 33, 34, 35, and 36;

Township 28 north, range 7 east, sections 2 to 8, inclusive, 11 to 14, inclusive, 18, 19, 23 to 26, inclusive, 29 to 33, inclusive, and 36;

All township 28 north, range 8 east; All township 28 north, range 9 east;

Township 28 north, range 10 east, sections 5 to 8, inclusive, 16 to 20, inclusive, 30, and 31;

Township 29 north, range 6 east, sections 23 to 26, inclusive, 35,

and 36;

Township 29 north, range 7 east, sections 13, 16, 19, 20, 21, 24, 25, and 28 to 36, inclusive;

Township 29 north, range 8 east, sections 14 to 36, inclusive;

Township 29 north, range 9 east, sections 1, 9 to 16, inclusive, and 21 to 36, inclusive;

All of Mount Diablo base and meridian, California. (June 22, 1938,

52 Stat. 385; 16 U.S. C., sec. 486r.)

1027-16. Lands added to Trinity National Forest.—That, subject to existing valid claims, the following-described lands be, and the same are hereby, added to the Trinity National Forest, California, and made subject to all laws and regulations relating to said National Forest: The west half section 6, township 33 north, range 9 west; sections 1 and 2, north half northeast quarter section 11, northwest quarter and north half north half northeast quarter section 12, township 33 north, range 10 west; sections 35 and 36, township 34 north, range 10 west, all Mount Diablo meridian: Provided, That said lands shall not be subject to location or entry under the mineral laws or laws of the United States. (June 20, 1938, 52 Stat. 797; 16 U. S. C.,

sec. 486s.)

1027-17. To authorize the addition of certain lands to the Plumas, Tahoe, and Lassen National Forests, California.—That within the following-described areas any lands not in Government ownership, which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes, may be offered in exchange under the provisions of the Act of March 20, 1922 (Public, Numbered 173; 42 Stat. L. 465), as amended by the Act of February 28, 1925 (Public, Numbered 513), upon notice as therein provided and upon acceptance of title, shall become parts of the said national forests; and any of such described areas in Government ownership, found by the Secretaries of Agriculture and the Interior to be chiefly valuable for national-forest purposes and not now parts of any national forest, may be added to said national forest as herein provided by proclamation of the President, subject to all valid claims and provisions of existing withdrawals: *Provided*, That any lands received in exchange or purchased under the provisions of this Act shall be open to mineral

locations, mineral development, and patent, in accordance with the mining laws of the United States.

To the Plumas National Forest, California:

Township 19 north, range 6 east, sections 1, 12, and 13:

Township 19 north, range 7 east, sections 2 to 11, inclusive, 14 to 23, inclusive, and 26 to 35, inclusive:

Township 21 north, range 14 east, section 4;

Township 22 north, range 14 east, sections 10, 15, 16, 21, 22, 27, 28, 33, and 34;

Township 24 north, range 9 east, sections 12, 13, 14, and 15;

Township 24 north, range 10 east, sections 7, 16, 17, 18, 20, and 21;

All Mount Diablo, base and meridian, California.

To the Tahoe National Forest, California, township 17, north, range 9 east, sections 14, 23, 26, southeast southwest sections 34, and 35; Township 19 north, range 18 east—that part of the following sections situated in the State of California, to wit:

Sections 6, 7, 18, 19, 30, and 31;

Township 20 north, range 18 east—that part of the following sections situated in the State of California, to wit: sections 6, 7, 18, 19, 30, and 31;

Township 21 north, range 14 east, sections 9, 16, and 21;

Township 21 north, range 17 east, sections 17, 19, 20, 28, 29, 33, 34, 35, and 36;

Township 22 north, range 16 east, sections 23 and 24;

To the Lassen National Forest, California:

Township 25 north, range 1 east, sections 1 to 18, inclusive;

Township 25 north, range 2 east, sections 11, 12, 13, 14, 23, 24, 25, 26, 35. and 36:

Township 25 north, range 3 east, sections 1, 3, 7, 8, 9, and 11 to 36,

inclusive:

Township 25 north, range 4 east, sections 4 to 9, inclusive, 16 to 21, inclusive, and 28 to 33, inclusive;

All township 26 north, range 1 east;

Township 26 north, range 3 east, sections 1, 2, 3, 10 to 16, inclusive. 22 to 28, inclusive, 33, 34, 35, and 36.

Township 26 north, range 4 east, sections 5, 6, 7, 8, 15 to 22, inclusive,

and 27 to 33, inclusive;

Township 27 north, range 1 west, sections 1, 2, 3, 10 to 15, inclusive, 22 to 27, inclusive, 34, 35, and 36;

Township 27 north, range 1 east, sections 35 and 36;

Township 27 north, range 2 east, section 36;

Township 27 north, range 3 east, sections 11 to 17, inclusive, 19, 20, 21, 23 to 27, inclusive, and 29 to 36, inclusive;

Township 27 north, range 4 east, section 31;

Township 28 north, range 1 west, sections 1, 12, 13, 24, 25, and 36;

Township 28 north, range 1 east, section 1;

Township 28 north, range 2 east, sections 1 to 18, inclusive, 23, 24, 25, 26, 35, and 36;

Township 28 north, range 3 east, sections 6, 7, 16, 18, 19, 20, 21, 22,

and 27 to 33, inclusive;

Township 29 north, range 1 west, section 36;

Township 29 north, range 1 east, sections 23 to 26, inclusive, and 31 to 36, inclusive;

Township 29 north, range 2 east, sections 19 to 36, inclusive;

Township 29 north, range 3 east, sections 19, 20, 21, and 28 to 32, inclusive:

All Mount Diablo base and meridian, California. (June 22, 1938,

52 Stat. 838; 16 U.S.C., sec. 486t.)

1027-18. Addition of certain lands to the Shasta and Klamath National Forests, California, authorized.—That within the following-described areas any lands not in Government ownership, which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes, may be offered in exchange under the provisions of the Act of March 20, 1922 (Public, Numbered 173; 42 Stat. L. 465), as amended by the Act of February 28, 1925 (Public, Numbered 513), upon notice as therein provided and upon acceptance of title, shall become parts of the said national forests; and any of such described areas in Government ownership, found by the Secretaries of Agriculture and the Interior to be chiefly valuable for national-forest purposes and not now parts of any national forest, may be added to said national forest as herein provided by proclamation of the President, subject to all valid claims and provisions of existing withdrawals: Provided, That any lands received in exchange or purchased under the provisions of this Act shall be open to mineral locations, mineral development, and patent, in accordance with the mining laws of the United States.

To the Shasta National Forest, California:

Township 40 north, range 4 west, sections 7, 8, 9, 16, 17, 18, 20, and 21:

Township 40 north, range 7 west, sections 6 and 7;

Township 40 north, range 8 west, sections 1, 2, 3, 5 to 11, inclusive, 15 to 18, inclusive, 21, and 22;

Township 40 north, range 9 west, sections 1, 12, and 13; Township 41 north, range 5 west, sections 4 and 5;

All township 41 north, range 9 west;

Township 41 north, range 10 west, sections 25 and 36;

Township 43 north, range 3 west, sections 3 to 11, inclusive, and 17 to 19, inclusive;

Township 43 north, range 4 west, sections 1 to 13, inclusive, 15 to

19, inclusive, 21, 22, 23, 25, and 27 to 33, inclusive;

Township 44 north, range 3 west, sections 1 to 5, inclusive, 7 to 17, inclusive, 19 to 29, inclusive, and 31 to 36, inclusive;

Township 44 north, range 4 west, sections 1, 2, 3, 10 to 15, inclusive,

22 to 27, inclusive, 34, 35, and 36;

Township 45 north, range 1 east, sections 1 to 6, inclusive, and 8 to 18, inclusive;

Township 45 north, range 2 east, sections 1 to 13, inclusive, 17 and 18;

Township 45 north, range 1 west, sections 1 to 18, inclusive;

All township 45 north, range 2 west;

Township 45 north, range 3 west, sections 1, 3 to 18, inclusive, 21 to 27, inclusive, 31, 33, 34, 35, and 36;

Township 45 north, range 4 west, sections 1, 3, 10 to 13, inclusive,

15, 22, 23, 25, 27, 34, 35, and 36;

All township 46 north, range 2 west;

Township 46 north, range 3 west, sections 1, 2, 13, 24, 25, 29, 32, 33, 35, and 36;

Township 46 north, range 4 west, sections 1 to 11, inclusive, 14 to 23, inclusive, and 25 to 36, inclusive;

All township 47 north, range 2 west;

Township 47 north, range 3 west, sections 1, 2, 3, 9 to 17, inclusive, 21 to 27, inclusive, 29, 34, 35, and 36;

All township 47 north, range 4 west:

Township 48 north, range 2 west, sections 13 to 21, inclusive, and 23 to 36, inclusive:

Township 48 north, range 3 west, sections 13 to 17, inclusive, 20

to 29, inclusive, and 32 to 36, inclusive; All township 48 north, range 4 west:

All Mount Diablo base and meridian, California. To the Klamath National Forest, California: Township 41 north, range 10 west, section 1;

Township 42 north, range 9 west, sections 5 to 8, inclusive, 17 to

20, inclusive, and 29 to 32, inclusive;

Township 42 north, range 10 west, sections 1 to 5, inclusive, 7 to

19, inclusive, 21 to 25, inclusive, and 36;

Township 43 north, range 9 west, sections 4 to 9, inclusive, 16 to 20, inclusive, and 29 to 32, inclusive;

All township 43 north, range 10 west;

Township 44 north, range 7 west, section 6;

Township 44 north, range 8 west, sections 1, 2, 3, 4, 5, 7 to 36, inclusive:

Township 44 north, range 9 west, sections 1, 3 to 9, inclusive, and

11 to 36, inclusive:

Township 44 north, range 10 west, sections 1 to 5, inclusive, and 7 to 36, inclusive:

Township 45 north, range 7 west, sections 20, 29, and 30;

Township 45 north, range 8 west, sections 25, 26, 34, 35, and 36; Township 47 north, range 7 west, sections 2 to 29, inclusive, 35, and 36:

Township 47 north, range 8 west, section 1;

Township 48 north, range 7 west, sections 16 to 21, inclusive, and 27 to 34, inclusive;

Township 48 north, range 8 west, sections 13, 14, 15, 22, 23, 24,

25, 27, 35, and 36;

All Mount Diablo base and meridian, California. (June 22, 1938,

52 Stat. 836; 16 U. S. C., sec. 486u.)

1027-19. Same; lands added to Wenatchee National Forest.—That any of the following-described lands which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes may be exchanged under the provisions of the Act entitled "An Act to consolidate national forest lands", approved March 20, 1922, as amended, and upon acceptance of title therefor shall become parts of the Wenatchee National Forest: Township 25 north, range 21 east, Willamette meridian, section 5: section 6, north half. Township 26 north, range 21 east, Willamette meridian, sections 1 to 8, inclusive; section 17, west half; sections 18 and 19; section 20, west half; section 29, west half; sections 30 and 31. Township 27 north, range 21 east, Willamette meridian, sections 19 to 36, inclusive. (Aug. 11, 1939, sec. 1, 53 Stat. 1412; 16 U. S. C., sec. 486v.)

sec. 486w.)

1027-20. Same; effect of additions of lands to Wenatchee National Forest.—All public lands within the areas described in section 1 are hereby added to the Wenatchee National Forest and shall hereafter become subject to all laws and regulations applicable to national forests. The addition of such lands shall not affect any entry or vested right under the public land laws initiated prior to the passage of this Act. Lands received in exchange or purchased under the provisions of this Act shall be open to mineral locations, mineral development, and patent, in accordance with the mining laws of the United States. (Aug. 11, 1939, sec. 2, 53 Stat. 1412; 16 U. S. C.,

1027–21. Addition of lands to Rogue River National Forest, and cutting timber on such lands.—That for the purpose of forest management and municipal watershed protection, the following-described lands are hereby added to and made a part of the Rogue River National Forest in the State of Oregon and shall hereafter be administered subject to all the laws and regulations governing the national forests: Sections 31 to 35, inclusive, township 39 south, range 1 west; sections 2 to 11, inclusive, and sections 14 to 36, inclusive, township 40 south, range 1 west; section 1 and sections 11 to 36, inclusive, township 40 south, range 2 west, all Willamette base and meridian: *Provided*, That this action shall, as to all lands which are at this date legally appropriated under the public-land laws or reserved for any purpose, be subject to and shall not interfere with or defeat legal rights under such appropriation, nor prevent the use for such public purposes of lands so reserved so long as such appropriation is legally maintained or such reservation remains in force.

That when the Secretary of Agriculture finds that merchantable timber may be cut without detriment to the purity or depletion of the water supply from such of the above-described lands title to which has been revested in the United States under the Act of Congress approved June 9, 1916 (39 Stat. 218), said Secretary is hereby authorized to dispose of such merchantable timber on such lands in accordance with the rules and regulations of the Secretary of Agriculture for the national forests and the entire proceeds of any such sale shall be deposited in the Treasury of the United States in a special fund designated "The Oregon and California Land Grant Fund", referred to in section 10 of the said Act of June 9, 1916, and be disposed of in the manner therein designated. (June 4, 1936, secs. 1, 2, 49 Stat. 1460;

16 U. S. C., sec. 487a.)

That if any of the lands purchased or to be purchased by the United States under the provisions of the Act approved March 1, 1911, as amended (U. S. C., title 16, secs. 513–521, inclusive; Supp. VII, title 16, secs. 513–521, inclusive), within the limits of townships 1, 2, and 3 north, ranges 9, 10, 11, 12, and 13, in Forrest and Perry Counties, State of Mississippi, are determined to be chiefly valuable and necessary for a National Guard encampment and related military purposes, the Secretary of Agriculture, with the consent and approval of the National Forest Reservation Commission established by section 4 of said Act of March 1, 1911, may, and he hereby is, authorized to convey full title to said lands to the State of Mississippi or the War Department of the United States: *Provided*, That there is paid into the Treasury

of the United States, or made available by transfer on the books of said Treasury, sums of money equal to the full amounts expended by the Department of Agriculture for the purchase of said lands, and the money so paid into or transferred on the books of the Treasury shall be available for expenditure by the Secretary of Agriculture for the purchase of other lands under the provisions of said Act of March 1, 1911, as amended. (Mar. 2, 1935, 49 Stat. 37; 16 U. S. C., sec. 519a.)

1, 1911, as amended. (Mar. 2, 1935, 49 Stat. 37; 16 U. S. C., sec. 519a.) 1027-23. Santa Barbara National Forest; withdrawal of lands from location or entry.—That the public lands of the United States, within the boundaries of the Santa Barbara National Forest, located in the State of California and hereinafter described, are hereby withdrawn from location or entry under the mining laws of the United States:

All Government lands in sections 29, 30, 31, 32, and 33, township

7 north, range 24 west, San Bernardino meridian.

All Government lands in sections 7, 8, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, township 7 north, range 25 west, San Bernardino meridian.

All Government lands in sections 7 to 36, inclusive, township 7

north, range 26 west, San Bernardino meridian.

All Government lands in sections 1 to 36, inclusive, township 7

north, range 27 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, township 7 north, range 28 west, San Bernardino meridian.

All Government lands in sections 5, 8, and 17, township 6 north,

range 24 west, San Bernardino meridian.

All Government lands in township 6 north, range 25 west, San Bernardino meridian.

All Government lands in township 6 north, range 26 west, San

Bernardino meridian.

All Government lands in township 6 north, range 27 west, San Bernardino meridian, except sections 19, 30, and 31.

All Government lands in sections 1, 2, and 12, township 6 north,

range 28 west, San Bernardino meridian.

All Government lands in sections 6, 7, 18, 19, 30, and 31, township 5 north, range 24 west, San Bernardino meridian.

All Government lands in township 5 north, range 25 west, San

Bernardino meridian.

All Government lands in township 5 north, range 26 west, San

Bernardino meridian, except in sections 31 and 32.

All Government lands in sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, township 5 north, range 27 west, San Bernardino meridian: Provided, That this Act shall not defeat or affect any lawful right which has already attached under the mining laws and which is hereinafter maintained in accordance with such laws: Provided further, That the President upon recommendation of the Secretary of the Interior and the Secretary of Agriculture, may, by Executive order, when in his judgment the public interest would best be served thereby, and after reasonable notice has been given through the Department of the Interior, restore to location and entry under the mining laws, any of the lands hereby withdrawn therefrom: Provided further, That any person desiring to locate and enter upon any such withdrawn lands under the mineral land laws may

make such location and entry upon a showing satisfactory to the Secretary of the Interior and the Secretary of Agriculture that the lands to be entered are chiefly valuable for minerals. (Apr. 20, 1936,

49 Stat. 1234.)

1027-24. Further addition of lands to the Rogue River National Forest .-That for the purpose of forest management, watershed protection, and recreational use the north half northwest quarter section 3, the south half northwest quarter section 23, and the west half northeast quarter northeast quarter and the east half northwest quarter northeast quarter section 27, township 37, south, range 3 east, Williamette meridian, of revested Oregon and California land-grant lands are hereby added to and made a part of the Rouge River National Forest in the State of Oregon, subject to all laws and regulations governing national forests: Provided, That the Secretaries of the Interior and Agriculture shall jointly appraise and agree on the value of the said Oregon and California land-grant lands and shall certify the same to the Secretary of the Treasury. That the Secretary of the Treasury be, and he is hereby, authorized, upon notice of the appraisal by the Secretaries of the Interior and Agriculture, to transfer an equal amount of money from the national-forest receipts and credit the same to the Oregon and California land-grant funds, subject to all laws and regulations governing the disposal of money received from the Oregon and California land-grant lands. 27, 1937, 50 Stat. 534.)

1027-25. Lands added to Snoqualmie National Forest.—That, subject to any valid existing claim or entry, all lands of the United States within the areas hereafter described are hereby added to and made part of the Snoqualmie National Forest, State of Washington, to be hereafter administered under the laws and regulations relating to the national forests; and the provisions of the Act approved March 20, 1922 (42 Stat. 465), as amended, are hereby extended and made

applicable to all other lands within said described areas:

Township 21 north, range 7 east, sections 1, 12, 13, 24, 25, and 36. All of township 21 north, range 8 east. Township 20 north, range 7 east, sections 1 and 12. Township 20 north, range 8 east sections 1 to 18, inclusive, and sections 20 to 24, inclusive. Township 20 north, range 9 east, sections 7 to 15, inclusive. Township 20 north, range 10 east, sections 7, 13, 17 to 24, inclusive, 27, 28, and 29. Township 20 north, range 11 east, sections 17, 18, and 19.

Also lands not now within the national forest within the follow-

ing townships:

Township 27 north, range 10 east; township 26 north, range 10 east; township 26 north, range 11 east; township 26 north, range 12 east.

Part of township 27 north, range 9 east, including those portions of the following sections not now within the national forest:

Sections 10, 11, 12, 13, 14, 15, 22, north half 23, and north half 24. All Willamette base and meridian. (Aug. 21, 1937, 50 Stat. 739;

see also paragraph No. 827, Laws Applicable, 1935.)

1027-26. Secretary of Agriculture authorized to acquire lands for Tahoe National Forest.—That the Secretary of Agriculture is hereby authorized to acquire, by purchase when purchasable at prices deemed by him reasonable, or by exchange under the provisions of the Act

of March 20, 1922, as amended, or by condemnation under the provisions of the Act of August 1, 1888, on behalf of the United States with any fund or moneys available for such purpose, any of the following-described lands in the State of Nevada now in private ownership, to wit: Township 20 north, range 18 east, sections 7, 8, 18, 19, 30, and 31; township 19 north, range 18 east, sections 20, 22, 24, 25, 27, 28, and 32; township 19 north, range 19 east, section 32; township 18 north, range 18 east, sections 1, 2, 3, 4, 6, 10, 11, 12, 13, 14, 15, 16, 18, 21, 22, 23, 24, 26, 28, 35, and 36; township 18 north, range 19 east, sections 4, 5 to 10, inclusive, 14, 15 to 26, inclusive, 29 to 32, inclusive, 34, and 35; township 18 north, range 20 east, section 31; township 17 north, range 18 east, sections 1, 9, 11, 13, 15, 16, 24, 25, 29, 31, 32, 33, and 35; township 17 north, range 19 east, sections 1, 5, 6, 7, 8, 11, 13, 15 to 20, inclusive, 29, and 31; township 16 north, range 18 east, sections 1, 2, 3, 5, 6, 8 to 18, inclusive, 21, 22, 23, 24, 25, 26, 35, and 36; township 16 north, range 19 east, sections 5 to 9, inclusive, 17 to 20, inclusive, and 28 to 36, inclusive; township 15 north, range 18 east, sections 1 and 2; township 15 north, range 19 east, sections 4, 5, and 6; township 14 north, range 18 east, sections 22 to 27, inclusive, 35, and 36; township 14 north, range 19 east, sections 7, 8, 9, 18, 19, 20, 30, and 31; township 13 north, range 18 east, sections 1, 2, 3, 10, to 14, inclusive, 22, 23, and 24, all Mount Diablo base and meridian. (Feb. 12, 1938, sec. 1, 52 Stat. 28.)

1027-27. Lands added to Tahoe National Forest subject to forest laws and regulations.—When title to any of the aforesaid privately owned lands has been vested in the United States, such lands described in section 1 hereof shall be added to and become a part of the Tahoe National Forest and shall be subject to all laws and regulations applicable thereto: *Provided*, That nothing in this Act shall be construed to affect any valid existing rights. (Feb. 12, 1938, sec. 2,

52 Stat. 29.)

1027-28. Federal Water Power Act inapplicable.—The provisions of the Act approved June 10, 1920, as amended, known as the Federal Water Power Act, shall not apply to any of the lands added to the Tahoe National Forest pursuant to the provisions of this Act. (Feb. 12, 1938, sec. 3, 52 Stat. 29; 16 U. S. C., sec. 791a note.)

1027-29. Appropriation authorized.—There is hereby authorized to be appropriated the sum of \$325,000, or so much thereof as may be necessary, to carry out the provisions of this Act. (Feb. 12, 1938,

sec. 4, 52 Stat. 29.)

1027-30. Secretary of Agriculture authorized to purchase lands within boundaries of Cache National Forest.—That the Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (U. S. C., title 16, sec. 513), is hereby authorized to acquire by purchase any lands within the boundaries of the Cache National Forest in the State of Utah which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage; and to pay for said lands that proportion of the entire receipts from the sale of natural resources, other than mineral, and the occupancy of publicly owned lands within said national forest which is equal to that proportion of the gross area of said national

forest situated in the State of Utah hereby is authorized to be appropriated for expenditure for that purpose by the Secretary of Agriculture until said lands have been acquired. So far as the State of Utah may be concerned, the provisions of the Acts of May 23, 1908 (35 Stat. 260); section 500, title 16, United States Code, of March 4, 1913 (37 Stat. 843); and section 501, title 16, United States Code, shall be inoperative in relation to the receipts so appropriated, but nothing herein contained shall diminish payments to or expenditures within the State of Idaho under the provisions of said Acts. (May 11, 1938, 52 Stat. 347.)

1027-31. Land in Tongass National Forest conveyed to University of Alaska for fur farm experiment station.—That there is hereby conveyed to the University of Alaska, a corporation created, established, and existing under and by virtue of an Act of the Legislature of the Territory of Alaska, a tract of land situated in the Tongass National Forest near the town of Petersburg, Alaska, for use as the site of a

fur farm experiment station and described as follows:

Beginning at meander corner common to lot 4, section 35, township 59 south, range 79 east, Copper River meridian, and lot 4, section 2, township 60 south, range 79 east; thence with meander of Wrangell Narrows to meander corner common to lot 4, section 35, and lot 4, section 34; thence continuing meanders to southwest corner of home site numbered 614; thence following the boundary of said home site east five chains; thence north seven chains to north boundary of lot 4, section 35, township 59 south, range 79 east; thence east sixteen and seventy-five one-hundredths chains along said boundary to northeast corner said lot; thence south twenty chains along east boundary of said lot; thence west thirteen and sixty-nine one-hundredths chains to place of beginning. A public highway one chain wide passes through the tract, the center line of which begins at a point seven and seventythree one-hundredths chains from the initial corner of the tract, and extends north twenty-two degrees fifty-five minutes west ten chains; thence north thirty-seven degrees fifty-five minutes east, approximately ten and seventy-five one-hundredths chains to east boundary of home site numbered 614. Total area of tract is thirty-six and ninety-three one-hundredths acres. (May 17, 1938, 52 Stat. 379.)

1027-32. Lands in Cleveland National Forest withdrawn from location and entry under mining laws.—That the public lands of the United States within the Cleveland National Forest, State of California, and herein described, are hereby withdrawn from location or entry under

the mining laws of the United States:

All Government lands in sections 13, 14, 15, 20 to 36, inclusive,

township 9 south, range 1 east, San Bernardino meridian;

All Government lands in sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, township 10 south, range 1 east, San Bernardino meridian;

All Government lands in sections 19, 30, 31, township 9 south, range

2 east, San Bernardino meridian; and

All Government lands in section 6, township 10 south, range 2 east,

San Bernardino meridian:

Provided, That this Act shall not defeat or affect any lawful right which has already attached under the mining laws and which is hereafter maintained in accordance with such laws: Provided further, That the President, upon recommendation of the Secretary of the Interior, may, by Executive order, when in his judgment the public interest would best be served thereby, and after reasonable notice has been given, restore to location and entry under the mining laws any of the lands hereby withdrawn therefrom. (May 31, 1938, 52 Stat. 587.)

1027-33. Purchase of lands within San Bernardino and Cleveland National Forests authorized to facilitate soil erosion and flood control.—That the Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (U. S. C., title 16, sec. 513), is hereby authorized to acquire by purchase any lands within the boundaries of the San Bernardino and Cleveland National Forests, in the county of Riverside, State of California, which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands from those proportions of the entire receipts from the sale of natural resources other than mineral or occupancy of public land within the San Bernardino and Cleveland National Forests which are equal to the proportion of the net areas of said forests which are within the county of Riverside, State of California, which receipts are hereby authorized to be appropriated for that purpose until said lands have been acquired: Provided, That so long as said receipts are used in the manner herein authorized, the provisions of the act approved May 23, 1908 (U.S.C., title 16, sec. 500), shall not be applicable to said county of Riverside. (June 15, 1938, 52 Stat. 699.)

1027-34. Secretary of Agriculture authorized to control soil erosion and flood damage originating in Nevada and Toiyabe National Forests.—That the Secretary of Agriculture be, and is hereby, authorized in his discretion to acquire by purchase any lands within the boundaries of the Navada and Toiyabe National Forests in the State of Nevada which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage or promote efficiency and economy of administration and to pay for said lands from the receipts from the sale of natural resources, other than mineral, and from occupancy of public lands within the Nevada and Toiyabe National Forests, to which end appropriations of said receipts not exceeding \$10,000 per annum are hereby authorized until said lands have been acquired, the funds so appropriated to be available until expended for that purpose. (June 25, 1938, 52 Stat. 1205.)

1027-35. Purchase of lands, or interests therein, within the boundaries of the Ozark and Ouachita National Forests, Arkansas.—That the Secretary of Agriculture, with the approval of the National Forest Reservation Commission, established by section 4 of the Act of March 1, 1911 (U. S. C., title 16, sec. 513), is hereby authorized to acquire by purchase any lands, or interests therein, within the boundaries of the Ozark and Ouachita National Forests, in the State of Arkansas, which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands, or interests therein, from the receipts from the sale of natural resources other than mineral or occupancy of public land within the Ozark National Forest and that part of the Ouachita National Forest situated in the State of Arkansas, not to exceed one-

half of which receipts are hereby authorized to be appropriated for that purpose until said lands have been acquired: *Provided*, That any appropriated amounts which are unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year and amounts so transferred and such parts of the entire receipts of any fiscal year as are not appropriated shall be disposed of in like manner as other national-forest receipts. (Mar. 1, 1911, secs. 4, 5, 36 Stat. 962; Mar. 5, 1940, 54 Stat. 46.)

1027-36. Provisions of the Forest Exchange Act extended to lands embraced by Ochoco National Forest.—That any lands in private, State, or county ownership within the following-described area, which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes, may be offered in exchange under the provisions of the Act approved March 20, 1922, as amended (U. S. C., title 16, secs. 485, 486), and upon acceptance of title shall become part of the Ochoco National Forest, Oregon, and shall thereafter be subject to the laws, rules, and regulations applicable to national forests:

Section 36, township 15 south, range 24 east; section 36, township 15 south, range 25 east; section 36, township 20 south, range 24 east; section 5, township 20 south, range 25 east; section 36, township 20 south, range 26 east; sections 9, and 13 to 16, inclusive, sections 21 to 27, inclusive, and sections 33 to 36, inclusive, township 21 south, range 25 east; sections 7, 18, and 19, township 21 south, range 26 east; sections 1, 3, 11, and 12, township 22 south, range 24 east; sections 3 to 7, inclusive, township 22 south, range 25 east; and section 16, township 22 south, range 27 east; all Willamette base and meridian (June 8, 1940, 54 Stat. 251.)

1027-37. Control of soil erosion and flood damage originating in Cleveland National Forest authorized .- That the Secretary of Agriculture, with the approval of the National Forest Reservation Commission, established by section 4 of the Act of March 1, 1911 (U.S. C., title 16, sec. 513), is hereby authorized to acquire by purchase any lands, or interests therein, within the boundaries of the Cleveland National Forest in the county of San Diego, State of California, which in his judgment should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands, or interests therein, from those proportions of the entire receipts from the occupancy of public land or the sale of natural resources other than mineral, within the Cleveland National Forest, which are equal to the proportion of the net areas of said forest which are within the county of San Diego, State of California, which receipts are hereby authorized to be appropriated for that purpose until said lands have been acquired: Provided, That as to the receipts used in the manner herein authorized the provisions of the Act approved May 23, 1908 (U. S. C., title 16, sec. 500), shall not be applicable to said county of San Diego: Provided further, That any appropriated amounts which are unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year and amounts so transferred and such part of the entire receipts of any fiscal year as are not appropriated shall be disposed of in like manner as other national-forest

receipts. (June 11, 1940, 54 Stat. 297.)

1027-28. Control of soil erosion and flood damage originating within Angeles National Forest authorized.—That the Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (U. S. C., title 16, sec. 513), is hereby authorized to acquire by purchase any lands, or interests therein, within the boundaries of the Angeles National Forest, in the State of California, which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands, or interests therein, from the entire receipts from occupancy of public land or from the sale of natural resources other than mineral, within the Angeles National Forest, which receipts are hereby authorized to be appropriated for that purpose until said lands have been acquired: Provided, That any appropriated amounts which are unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year and amounts so transferred and such part of the entire receipts of any fiscal year as are not appropriated shall be disposed of in like manner as other national-forest receipts. (June 11, 1940, 54 Stat. 299.)

1027-39. Forest permits, agreements, etc., declared exempt from statute requiring deposit of contracts in the General Accounting Office.—That permits, contracts, agreements, or other instruments requiring payments into the Treasury of the United States on account of sale of national-forest products, use of national-forest land, or other sources of national-forest revenue, including contributions by cooperators in connection with authorized activities of the Forest Service, shall be exempt from the provisions of section 20, title 41, United States Code, when the permit or other instrument does not require payment to the Government in excess of \$300 in any one fiscal year. (June 15, 1940,

54 Stat. 398.)

1027-40. Control of soil erosion and flood damage within the Sequoia National Forest authorized.—That the Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (U. S. C., title 16, sec. 513), is hereby authorized to acquire by purchase any lands, or interests therein, within the boundaries of the Sequoia National Forest, in the State of California, which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands, or interest therein, from the entire receipts from the occupancy of public land or the sale of national resources, other than mineral, within the Sequoia National Forest, which receipts are hereby authorized to be appropriated for that purpose until said lands have been acquired: Provided, That any appropriated amounts which are unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year and amounts so transferred and such part of the entire receipts of any fiscal year as are not appropriated shall be disposed of in like manner as other nationalforest receipts. (June 17, 1940, 54 Stat. 402.)

1027-41. Provisions of the Forest Exchange Act extended to certain lands, so that they may become parts of the Whitman, Malheur, or Umatilla National Forests.—That any lands in private, State, or county ownership within the following described area, which are found by the Secretary of Agriculture to be chiefly valuable for national forest purposes, may be offered in exchange under the provisions of the Act approved March 20, 1922, as amended (U. S. C., title 16, secs. 485, 486), and upon acceptance of title shall become parts of the Whitman, Malheur, or Umatilla National Forests, Oregon, and shall thereafter be subject to the laws, rules, and regulations applicable to national forests: *Provided*, That such exchanges are approved by the board of county commissioners of the county or counties in which said lands are situated.

To the Whitman National Forest: The east half of section 1; the southeast quarter of section 11; the south half and the northeast quarter of section 12; section 13; the east half of section 14; the east half of section 23; sections 24, 25, 26, 35, and 36; township 1 north,

range 40 east.

Sections 6, 7, 18, 19, 30, and 31; township 1 north, range 41 east. The south half of section 12; section 13; the east half of section 14; sections 23, 24, 25, 26, 35, and 36; township 1 south, range 39 east. Sections 1, 2, 3, 4, and 5; the south half of section 6; sections 7 to

36, inclusive; township 1 south, range 40 east. Section 1; township 2 south, range 39 east.

Sections 5 and 6; the north half of section 7; sections 8 and 16; the southwest quarter of section 35; township 2 south, range 40 east.

The east half of section 11; the southwest quarter of section 12; section 13; the east half of section 14; the east half of section 23; sections 24, 25, and 26; the east half of section 27; sections 35 and 36; township 3 south, range 40 east.

The west half of section 30; section 31; the southwest quarter of

section 32; township 3 south, range 41 east.

Sections 5, 8, 9, 10, 11, 14, and 23; township 4 south, range 38 east. Section 1; the east half of section 2; the east half and the northwest quarter of section 12; the northeast quarter of section 13; township 4 south, range 40 east.

Sections 5, 6, 7, and 8; the west half of section 9; sections 16 to 21, inclusive, and 28 to 33, inclusive; the west half of section 34; town-

ship 4 south, range 41 east.

Section 36; township 5 south, range 37 east.

Sections 2, 3, 10, 11, 14, 15, 16, 22, 23, 26, and 27; the east half of section 28; the southwest quarter of section 31; sections 33, 34, and 35; township 5 south, range 38 east.

The south half of section 1; the south half of section 2; sections 11, 12, 13, and 14; the east half of section 23; sections 24 and 25; the east

half of section 26; township 5 south, range 40 east.

The west half of section 3; sections 4 to 10, inclusive; the southwest quarter of section 14; sections 15 to 36, inclusive; township 5 south, range 41 east.

Section 19; the north half of section 30; township 5 south, range 42

east.

Sections 31 and 32; portions of sections 33, 34, 35, and 36, which lie south of the North Fork John Day River; township 6 south, range 31 east.

Sections 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 29, 30, 31, and 32; township 6 south, range 38 east.

Sections 1 to 6, inclusive, and 8 to 12, inclusive; township 6 south,

range 41 east.

Section 1; portions of sections 2, 3, 4, 5, and 6, which lie south of North Fork John Day River; sections 7 to 25, inclusive; township 7 south, range 30 east.

Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33;

township 7 south, range 38 east.

Section 3; township 8 south, range 31 east.

The south half of section 3; section 4; the north half of section 5; sections 9, 10, 11, 14, 15, 16, 21, 22, 23, 26, 27, 28, and 35; township 8 south, range 38 east.

Section 1; township 9 south, range 38 east.

The north half of section 8; township 9 south, range 39 east.

The south half of section 2; the southwest quarter of section 4; the southwest quarter of section 10; the south half of section 23; section 25; township 10 south, range 37 east.

The south half of section 29; the south half of section 30; town-

ship 10 south, range 38 east.

The east half, the southeast quarter of the northwest quarter and the southwest quarter of section 3; sections 16 and 21; the west half of section 28; section 33; township 10 south, range 39 east.

Sections 31, 32, and 33; township 11 south, range 37 east.

The north half of section 10; the west half of section 11; the north half, the south half of the south half, and the north half of the southeast quarter of section 30; township 11 south, range 39 east.

Section 1; the south half of section 2; the southwest quarter of section 4; the southeast quarter of section 5; the east half of section 8; sections 9, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36; township 11 south, range 40 east.

The south half of section 2; the south half of section 3; section 7; the west half of section 8; sections 10 to 21, inclusive; the west half of section 22; the north half of section 28; sections 29, 30, 31, and

32; township 11 south, range 41 east.

Sections 1, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, and 24; the north

half of section 29; township 12 south, range 32 east.

Sections 1 to 12, inclusive; sections 17, 18, and 19; the north half of

section 30; township 12 south, range 33 east.

Sections 7 and 8; the northwest quarter and the south half of section 9; the south half of section 10; the west half of section 15; sections 16, 17, 18, 20, and 21; the west half of section 22; sections 27 and 34; township 12 south, range 34 east.

Section 16; the northeast quarter of section 17; the north half of section 21; sections 22, 26, 27, 34, and 35; township 12 south,

range 36 east.

Sections 5, 6, 7, and 8; township 12 south, range 37 east.

The northeast quarter of section 4; township 12 south, range 39 east.

Sections 1, 2, 3, 10, and 11; the north half of section 12; the west half of section 15; the north half of section 19; the north half of section 20; the north half of section 21; the northwest quarter of section 22; township 12 south, range 40 east.

Sections 6 and 7; township 12 south, range 41 east.

Sections 1 and 2; the north half of section 3; sections 11, 12, and 13; the north half of section 14; the north half of section 24; township 13 south, range 34 east.

The west half of section 19; the northwest quarter of section 30;

the west half of section 31; township 13 south, range 35 east.

The north half of section 2; sections 3, 10, 15, 16, 22, 27, and 34; township 13 south, range 36 east.

To the Malheur National Forest:

Sections 14, 15, 16, and 23; the west half of section 26; the west half of section 35; township 9 south, range 31 east.

The south half of section 27; sections 31, 32, 33, and 34; township

9 south, range 32 east.

Sections 1 and 2; township 10 south, range 31 east.

The west half of the west half of section 4; section 5; the north

half of section 6; township 10 south, range 32 east.

Sections 31 and 32; the south half of section 33; the south half of section 34; the south half of section 35; township 11 south, range 29 east.

The south half of section 10; the north half of section 15; section 16; the east half of section 29; the south half of section 32; township 11 south, range 30 east.

To the Umatilla National Forest:

Sections 13, 14, 15, 16, 21, and 22; the west half of section 28; the west half of section 33; township 1 north, range 38 east.

Sections 2, 3, 8, 9, 10, 11, 15, 16, and 17; township 2 north, range

39 east

The south half of section 13; sections 23, 24, and 34; township 3 north, range 39 east.

Sections 19, 20, 21, and 22; the northwest quarter of section 29;

section 30; township 3 north, range 40 east.

All Willamette base and meridian. (June 17, 1940, 54 Stat. 402.)

1027-42. Exchange of lands adjacent to the San Juan National Forest and the Rio Grande National Forest authorized .- That the provisions of the Act of March 20, 1922 (42 Stat. L. 465; U. S. C., title 16, sec. 485), entitled "An Act to consolidate national forest lands," and the provisions of the Act of February 28, 1925 (43 Stat. L., p. 1090; U. S. C., title 16, sec. 486), entitled "An Act to amend an Act entitled 'An Act to consolidate national forest lands,' " and Acts amendatory thereto, are hereby extended to include any suitable offered lands within the boundaries of that portion of the former Mexican grant known as the Tierra Amarilla Grant, lying within the State of Colorado, adjacent to the Rio Grande or San Juan National Forests. Lands conveyed to the United States under this Act, shall upon acceptance of title, become parts of the national forest nearest to which they are situated, and shall thereafter be subject to the laws, rules, and regulations applicable to said national forest. 29, 1940, 54 Stat. 695.)

1027-43. Transfer of land in De Soto National Forest to the Secretary of War authorized.—That upon request of the Secretary of War, the Secretary of Agriculture is authorized and directed to transfer to the Secretary of War, for military purposes, such tracts of land, not

in excess of sixty-five thousand acres, contiguous to the Camp Shelby State Military Reservation, Mississippi, and now included within the limits of the De Soto National Forest, Mississippi, as the Secretary of War may select: *Provided*, That in the event the area transferred pursuant to the provisions of this Act shall cease to be used for military purposes, it shall revert to its former national forest status.

(July 19, 1940, 54 Stat. 773.)

1027-44. Water supply of Petersburg, Alaska, to be protected; land to be reserved.—That the tract of land hereinafter described, situated in the Tongass National Forest in the Territory of Alaska, is hereby reserved from all forms of location, entry, or appropriation, whether under the mineral or nonmineral land laws of the United States, and set aside as a municipal water-supply reserve for the use and benefit of the people of the town of Petersburg, a municipal corporation of the Territory of Alaska as follows, to wit: Beginning at corner numbered 1, from which the quarter section corner between sections 2 and 3, township 59 south, range 79 east, Copper River meridian, bears west forty chains; thence along the top of a divide south fourteen degrees west one hundred and twenty-three and twenty onehundredths chains to corner numbered 2, at the place where a side ridge intersects the main divide; thence along the top of the main divide south fifty-two degrees east ninety-three and sixty one-hundredths chains to corner numbered 3, located on top of a prominent unnamed peak from which the southeast corner of section 14 township 59 south, range 79 east, bears south nineteen degrees west twenty-four chains; thence along top of divide north fifty degrees east thirty-two chains to corner numbered 4 at junction of ridge, extending northeasterly; thence along top of ridge north thirteen degrees east one hundred and sixty chains to corner numbered 5; thence west fortyeight chains to intake dam on unnamed creek, from which the town of Petersburg draws its domestic water supply; thence west fiftyeight and forty one-hundredths chains to the place of beginning, containing one thousand six hundred and twenty-seven acres. 1940, sec. 1, 54 Stat. 1197.)

1027-45. Same; Secretary of Agriculture to administer for purpose of conservation and use of water supply.—The lands hereinbefore described and reserved for municipal water-supply purposes, which are within the Tongass National Forest, shall be administered by the Secretary of Agriculture, for the purpose of storing, conserving, and protecting from pollution the said water supply, and preserving, improving, and increasing the timber growth on said lands, to more fully accomplish such purposes; and to that end said municipality shall have the right, subject to the approval of the Secretary of Agriculture, to the use of any and all parts of the lands reserved for the storage and conveying of water and construction and maintenance thereon of all improvements for such purposes: Provided, That the merchantable timber on the land to be used by the said municipality may be sold by the Secretary of Agriculture under rules and regulations to be prescribed by him: And provided further, That the right to the use by the town of Petersburg of the lands reserved by this Act shall terminate upon the abandonment of the use by such municipality in accordance with the terms of this Act, and upon a finding of such nonuse or abandonment, for a period of two years, by the Secretary of Agriculture, whereupon the reservation created by this Act shall terminate to the extent

of such lands involved. (Oct. 17, 1940; sec. 2, 54 Stat. 1198.)

1027-46. Same; rules and regulations.—The Secretary of Agriculture is hereby authorized to prescribe and enforce such regulations as may be found necessary to carry out the purpose of this Act, including the right to forbid persons other than those authorized by him and the municipal authorities of said municipal corporation from entering or otherwise trespassing upon these lands, and any violation of this Act or of regulations issued thereunder shall be a misdemeanor and shall be punishable as is provided for in section 5050, Compiled Laws of Alaska, 1933. (Oct. 17, 1940; sec. 3, 54 Stat. 1198.)

1027. 47. Same; existing land claims of United States not affected.—Nothing herein contained shall affect any valid right or claim to any part of said lands heretofore acquired under any law of the United

States. (Oct. 17, 1940; sec. 4, 54 Stat. 1198.)

1027-48. Government-owned Oregon lands added to the Siuslaw National Forest.—That all lands conveyed or relinquished to the United States, under the provisions of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195), the Emergency Relief Appropriation Act, approved April 8, 1935, (49 Stat. 115), or the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522), within the western Oregon land project, situated in Lane, Lincoln, Tillamook, and Yamhill Counties, Oregon, are hereby added to and made parts of the Siuslaw National Forest, Oregon, and shall hereafter be subject to the rules and regulations applicable to nationalforest lands acquired under the Act of March 1, 1911 (36 Stat. 961) as amended, but special provisions included in conveyance of title to the United States, valid and subsisting at the date of this Act and thereafter legally maintained, shall not be affected by this Act: Provided, That this Act shall not affect any revested Oregon and California Railroad Grant Land, title to which has not passed out of the United States, or any public-domain land which is not embraced in relinquishments purchased under the Acts hereinbefore mentioned. (Nov. 25, 1940, 54 Stat. 1210.)

FOREST PROTECTION, FOREST SERVICE, REFORESTATION

1066a. Forest experiment stations; establishment.—The Secretary of Agriculture is further authorized to establish and maintain a forest experiment station in the Great Plains and prairie States, to be known as the "Great Plains Forest Experiment Station", and to acquire by purchase, condemnation, donation, or otherwise such real property or interest therein as in his judgment is required for the use of said station, including the making of necessary expenditures in examining, appraising, and surveying any such property and in doing all things incident to perfecting title thereto in the United States. There is authorized to be appropriated annually such additional sums as may be required for the purposes of this paragraph. (June 15, 1936, 49 Stat. 1515: 16 U. S. C., sec. 581a.)

1084-1. Cooperation by Secretary of Agriculture in development of farm forestry in States and Territories.—That in order to aid agriculture,

increase farm-forest income, conserve water resources, increase employment, and in other ways advance the general welfare and improve living conditions on farms through reforestation and afforestation in the various States and Territories, the Secretary of Agriculture is authorized in cooperation with the land-grant colleges and universities and State forestry agencies, each within its respective field of activities, according to the statutes, if any, of the respective States, wherever such agencies can and will cooperate, or in default of such cooperation to act directly, to produce or procure and distribute forest trees and shrub planting stock; to make necessary investigations; to advise farmers regarding the establishment, protection, and management of farm forests and forest and shrub plantations and the harvesting, utilization, and marketing of the products thereof; and to enter into cooperative agreements for the establishment, protection, and care of farm- or other forest-land tree and shrub plantings within such States and Territories; and, whenever suitable Government-owned lands are not available, to lease, purchase, or accept donations of land and develop nursery sites for the production of such forest planting stock as is needed to effectuate the purposes of this Act, but not including ornamental or other stock for landscape plantings commonly grown by established commercial nurserymen, and no stock grown in Government and cooperating nurseries shall be allowed to enter regular trade channels. No cooperative reforestation or afforestation shall be undertaken pursuant to this Act unless the cooperator makes available without charge the land to be planted. There is hereby authorized to be appropriated annually not to exceed \$2,500,000 for carrying out the purposes of this Act. This Act shall be known as the Cooperative Farm Forestry Act. (May 18, 1937, 50 Stat. 188; 16 U. S. C., sec. 568b.)

UNEMPLOYMENT RELIEF THROUGH PERFORMANCE OF USEFUL PUBLIC WORK

1084—2. Establishment of Civil Conservation Corps; vocational and educational training; duration of act.—That there is hereby established the Civilian Conservation Corps, hereinafter called the Corps, for the purpose of providing employment, as well as vocational training, for youthful citizens of the United States who are unemployed and in need of employment, and to a limited extent as hereinafter set out, for war veterans and Indians, through the performance of useful public work in connection with the conservation and development of the natural resources of the United States, its Territories, and insular possessions: *Provided*, That at least ten hours each week may be devoted to general educational and vocational training: *Provided*, That the provisions of this Act shall continue [until] July 1, 1943. (June 28, 1937, sec. 1, 50 Stat. 319; Aug. 7, 1939, sec. 1, 53 Stat. 1253; 16 U. S. C., sec. 584.)

1034-3. Director; compensation; authority.—The President, by and with the advice and consent of the Senate, is authorized to appoint a Director at a salary of \$10,000 per annum. The Director shall have complete and final authority in the functioning of the Corps, including the allotment of funds to cooperating Federal departments and agencies, subject to such rules and regulations as may be prescribed by the President in accordance with the provisions of this Act. (June 28,

1937, sec. 2, 50 Stat. 319; 16 U. S. C., sec. 584a.)

1084-4. Employment of Corps for protection, etc., of natural resources: cooperation with municipalities, etc.; restoration.—In order to carry out the purpose of this Act, the Director is authorized to provide for the employment of the Corps and its facilities on works of public interest or utility for the protection, restoration, regeneration, improvement, development, utilization, maintenance, or enjoyment of the natural resources of lands and waters, and the products thereof, including forests, fish and wildlife on lands or interest in lands (including historical or archeological sites), belonging to, or under the jurisdiction or control of, the United States, its Territories, and insular possessions, and the several States: Provided, That the President may, in his discretion, authorize the Director to undertake projects on lands belonging to or under the jurisdiction or control of counties, and municipalities, and on lands in private ownership, but only for the purpose of doing thereon such kinds of cooperative work as are or may be provided for by Acts of Congress, including the prevention and control of forest fires, forest tree pests and diseases, soil erosion, and floods: Provided further, That no projects shall be undertaken on lands or interests in lands, other than those belonging to or under the jurisdiction or control of the United States, unless adequate provisions are made by the cooperating agencies for the maintenance, operation, and utilization of such projects after completion. (June 28, 1937, sec. 3, 50 Stat. 319; 16 U. S. C., sec. 584b.)

1084-5. Transfer of personnel, property, etc., from Emergency Conservation Work; operation of camp exchange.—There are hereby transferred to the Corps all enrolled personnel, records, papers, property, funds, and obligations of the Emergency Conservation Work established under the Act of March 31, 1933 (48 Stat. 22), as amended; and the Corps shall take over the institution of the camp exchange heretofore established and maintained, under supervision of the War Department, in connection with and aiding in administration of Civilian Conservation Corps workcamps conducted under the authority of said Act as amended: *Provided*, That such camp exchange shall not sell to persons not connected with the operation of the Civilian Conservation Corps.

(June 28, 1937, sec. 4, 50 Stat. 320; 16 U. S. C., sec. 584c.)

1084-6. Appointment of civilian personnel.—The Director and, under his supervision, the heads of other Federal departments or agencies cooperating in the work of the Corps, are authorized within the limit of the allotments of funds therefor, to appoint such civilian personnel as may be deemed necessary for the efficient and economical discharge of the functions of the Corps without regard to the civil-service laws and regulations. Provided further, That such officers, agents, or employees paid from funds appropriated for or allocated to the Civilian Conservation Corps, as may be designated or approved for the purpose by the Director shall have the general powers of notaries public in the administration of oaths, the execution and acknowledgement of legal instruments, the attestation of documents, and all other forms of notarial acts determined to be necessary by the Director to prosecute effectively the operations of the Civilian Conservation Corps. (June 28, 1937, sec. 5, 50 Stat. 320; June 13, 1940, 54 Stat. 383; 16 U. S. C., sec. 584d.)

1084-7. Army, Navy, Marine, and Coast Guard officers detail to Corps.— The President may order Reserve officers of the Army and officers of the Naval and Marine Reserves and warrant officers of the Coast Guard to active duty with the Corps under the provisions of section 37a of the National Defense Act and the Act of February 28, 1925, respectively. (June 28, 1937, sec. 6, 50 Stat. 320; 16 U. S. C., sec. 584e.)

1084-8. Limitation on enrollees.—The Director is authorized to have enrolled not to exceed three hundred thousand men at any one time, of which not more than thirty thousand may be war veterans: *Provided*, That in addition thereto camps or facilities may be established for not to exceed ten thousand additional Indian enrollees and five thousand additional territorial and insular possession enrollees.

(June 28, 1937, sec. 7, 50 Stat. 320; 16 U. S. C., sec. 584f.)

1084-9. Qualifications of enrollees; term of enrollment; educational leaves; certificates of merit.—The enrollees in the Corps (other than war veterans, enrollees in the Territories and insular possessions, Indians, not to exceed one mess steward, three cooks, five project assistants, and one leader per each company) shall be unmarried male citizens of the United States between the ages of seventeen and twentythree years, both inclusive, and shall at the time of enrollment be unemployed and in need of employment: Provided, That the Director may exclude from enrollment such classes of persons as he may consider detrimental to the well-being or welfare of the Corps, except that no person shall be excluded on account of race, color, or creed: Provided further, That enrollments shall be for a period of not less than six months and reenrollments (except in the case of one mess steward, three cooks, five project assistants, and one leader, in each company, and War Veterans and Indians) shall not exceed a total term of two years: Provided further, That in the discretion of the Director continuous service by the enrollee during his period of enrollment shall not be required in any case where the enrollee attends an educational institution of his choice during his leave of absence: Provided further, That the Director shall be authorized to issue certificates of proficiency and merit to enrollees under such rules and regulations as he may provide: Provided further, That any enrollee may be discharged for the convenience of the Government within thirty days prior to the expiration of his period of enrollment. (June 28, 1937, sec. 8, 50 Stat. 320; May 12, 1938, secs. 1, 2, 52 Stat. 349; Oct. 21, 1940, 54 Stat. 1206; 16 U. S. C., sec. 584g.)

1084-10. Compensation of enrollees; use of pay.—The compensation of enrollees shall be in accordance with schedules approved by the President, and enrollees with dependent member or members of their families shall be required, under such regulations as may be prescribed by the Director, to make allotments of pay to such dependents. Other enrollees may make deposits of pay in amounts specified by the Director with the Chief of Finance, War Department, to be repaid in case of an emergency or upon completion of or release from enrollment and to receive the balance of their pay in cash monthly: Provided, That Indians and enrollees in the Territories and insular possessions of the United States may be excluded from these regulations: Provided further, That the pay of enrollees shall not exceed \$30 per month, except for not more than ten per centum who may be designated as assistant leaders and who shall receive not more than \$36 per month: Provided further, That not to exceed an additional 6 per centum of such enrollees who may be designated as leaders and may receive not more than \$45 per month as such leaders. (June 28, 1937, sec. 9, 50 Stat. 320, as amended June 25, 1938, 52 Stat. 1198; 16 U.S. C., sec.

584h.)

1084-11. Compensation of enrollee blood donors.-Provided, That an enrollee in the Civilian Conservation Corps, or member, or former member of the Military Establishment, who shall furnish blood from his or her veins for transfusion to the veins of an enrollee or discharged enrollee of the Civilian Conservation Corps undergoing treatment in a Government or civilian hospital authorized to treat such patient. shall be entitled to be paid therefor a reasonable sum not to exceed \$50 for each of such transfusions undergone. (July 1, 1937, sec. 1, 50 Stat. 470, as amended May 23, 1938, sec. 1, 52 Stat. 414; Mar. 16,

1939, sec. 1, 53 Stat. 529; 16 U.S. C., sec. 584h-l.)

1084-12. Subsistence, etc., to be furnished enrollees; disability and death benefits.—Enrollees shall be provided, in addition to the monthly rates of pay, with such quarters, subsistence, and clothing, or commutation in lieu thereof, medical attention, hospitalization, and transportation as the Director may deem necessary: Provided, That burial, embalming, and transportation expenses of deceased enrolled members of the Corps, regardless of the cause and place of death, shall be paid in accordance with regulations of the Employees' Compensation Commission: Provided further, That the provisions of the Act of February 15, 1934 (U. S. C., 1934 ed., title 5, sec. 796), relating to disability or death compensation and benefits shall apply to the enrolled personnel of the Corps. (June 28, 1937, sec. 10, 50 Stat. 321; 16 U.S.C., sec. 584i.)

1084-13. Financial administration.—The Chief of Finance, War Department, is hereby designated, empowered, and directed, until otherwise ordered by the President, to act as the fiscal agent of the Director in carrying out the provisions of this Act: Provided, That funds allocated to Government agencies for obligation under this Act may be expended in accordance with the laws, rules, and regulations governing the usual work of such agency, except as otherwise stipulated in this Act: Provided further, That in incurring expenditures, the provisions of section 3709, Revised Statutes (U.S.C., 1934 ed., title 41, sec. 5), shall not apply to any purchase or service when the aggregate amount involved does not exceed the sum of \$300. (June 28, 1937,

sec. 11, 50 Stat. 321; 16 U. S. C., sec. 584j.)

1084-14. Use of services and facilities of other governmental agencies.— The President is hereby authorized to utilize the services and facilities of such departments or agencies of the Government as he may deem necessary for carrying out the purposes of this Act.

1937, sec. 12, 50 Stat. 321; 16 U.S. C., sec. 584k.)

Same; State agencies and departments.—The Director and, under his supervision, the cooperating department and agencies of the Federal Government are authorized to enter into such cooperative agreements with States and civil divisions as may be necessary for the purpose of utilizing the services and facilities thereof: Provided, That the Director may designate an appropriate official seal for the Corps which shall be judicially noticed and which shall be preserved in the custody of the Director. (June 28, 1937, sec. 13, 50 Stat. 321; Aug. 7, 1939, sec. 2, 53 Stat. 1253; 16 U. S. C., sec. 584l.)

1084-16. Expenditures for subsistence, transportation, etc., of enrollees.— The Director may authorize the expenditure of such amounts as he may deem necessary for supplies, materials, and equipment for enrollees to be used in connection with their work, instruction, recreation, health, and welfare, and may also authorize expenditures for the transportation and subsistence of selected applicants for enrollment and of discharged enrollees while en route upon discharge to their homes. (June 28, 1937, sec. 14, 50 Stat. 321; 16 U. S. C., sec. 584m.)

1084–17. Disposal of surplus property.—That personal property as defined in the Act of May 29, 1935 (49 Stat. 311), belonging to the Corps and declared surplus by the Director, shall be disposed of by the Procurement Division, Treasury Department, in accordance with the provisions of said Act: *Provided*, That unserviceable property in the custody of any department shall be disposed of under the regulations of that Department. (June 28, 1937, sec. 15, 50 Stat. 321; 16

U. S. C., sec. 584n.)

1084–18. Exchange of equipment.—Provided further, That the Director may authorize the exchange of motor-propelled and horse-drawn vehicles, tractors, road equipment, and boats, and parts, accessories, tires, or equipment thereof, in whole or in part payment for vehicles, tractors, road equipment, or boats, accessories, tires, or equipment of such vehicles, tractors, road equipment, or boats which the corps has purchased. (Mar. 16, 1939, sec. 1, 53 Stat. 529; 16 U. S. C.,

sec. 584n-1.)

1084-19. Claims for property damage or personal injury.—The Director and, under his supervision, the heads of cooperating departments and agencies are authorized to consider, ascertain, adjust, determine, and pay from the funds appropriated by Congress to carry out the provisions of this Act any claim arising out of operations authorized by the Act accruing after the effective date thereof on account of damage to or loss of property or on account of personal injury to persons not provided for by section 10 of this Act, caused by the negligence of any enrollee or employee of the Corps while acting within the scope of his employment: Provided, That the amount allowed on account of personal injury shall be limited to necessary medical and hospital expenses: Provided further, That this section shall not apply to any claim on account of personal injury for which a remedy is provided by section 10 of this Act: Provided further, That no claim shall be considered hereunder which is in excess of \$500, or which is not presented in writing within one year from the date of accrual thereof: Provided further, That acceptance by any claimant of the amount allowed on account of his claim shall be deemed to be in full settlement thereof, and the action of the Director or of the head of a cooperating department or agency upon such claim so accepted by the claimant shall be conclusive. (June 28, 1937, sec. 16, 50 Stat. 321; 16 U. S. C., sec. 5840.)

1084-20. Appropriations authorized; restrictions on use for camp exchanges.—There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the purpose of carrying out the purposes of this Act: *Provided*, That no part of any such appropriation shall be used in any way to pay any expense in connection with the conduct, operation, or management of any camp exchange, save and except such camp exchanges as are established and operated, in accordance with

regulations to be prescribed by the Director, at such camps as may be designated by him, for real assistance and convenience to enrollees in supplying them and their supervising personnel on duty at any such camp with articles of ordinary use and consumption not furnished by the Government: *Provided further*, That the person in charge of any such camp exchange shall certify, monthly, that during the preceding calendar month such exchange was operated in compliance therewith. (June 28, 1937, sec. 17, 50 Stat. 322; 16 U. S. C., sec. 584p.)

1084-21. Effective date.—This Act, except as otherwise provided, shall take effect July 1, 1937. (June 28, 1937, sec. 18, 50 Stat. 322; 16

U. S. C., sec. 584q.)

SOIL CONSERVATION

Note.—For a completely annotated compilation of this act, see Compilation of the Soil Conservation and Domestic Allotment Act, as amended, Agricultural Adjustment Act of 1938, as Amended, Federal Crop Insurance Act, as Amended, Sugar Act of 1937, Appropriation Items Relating Thereto, and Miscellaneous Laws—United States Government Printing Office 1940.

1084–22. Prevention of soil erosion; surveys and investigations; preventive measures; cooperation with agencies and persons; acquisition of land.—That it is hereby recognized that the wastage of soil and moisture resources on farm, grazing, and forest lands of the Nation, resulting from soil erosion, is a menace to the national welfare and that it is hereby declared to be the policy of Congress to provide permanently for the control and prevention of soil erosion and thereby to preserve natural resources, control floods, prevent impairment of reservoirs, and maintain the navigability of rivers and harbors, protect public health, public lands and relieve unemployment, and the Secretary of Agriculture, from now on, shall coordinate and direct all activities with relation to soil erosion and in order to effectuate this policy is hereby authorized from time to time—

(1) To conduct surveys, investigations, and research relating to the character of soil erosion and the preventive measures needed, to publish the results of any such surveys, investigations, or research, to disseminate information concerning such methods, and to conduct demonstrational projects in areas subject to erosion by wind or water;

(2) To carry out preventive measures, including, but not limited to, engineering operations, methods of cultivation, the growing of vegeta-

tion, and changes in use of land;

(3) To cooperate or enter into agreements with, or to furnish financial or other aid to, any agency, governmental or otherwise, or any person, subject to such conditions as he may deem necessary,

for the purposes of this Act; and

(4) To acquire lands, or rights or interests therein, by purchase, gift, condemnation, or otherwise, whenever necessary for the purposes of this Act. (Apr. 27, 1935, sec. 1, 49 Stat. 163; Feb. 16, 1938, sec. 2, 52 Stat. 31; 7 U. S. C., sec. 1282; 16 U. S. C., sec. 590a).

1084-23. Lands on which preventive measures may be taken.—The acts

authorized in section 1 (1) and (2) may be performed—

(a) On lands owned or controlled by the United States or any of its agencies, with the cooperation of the agency having jurisdiction thereof; and

(b) On any other lands, upon obtaining proper consent or the necessary rights or interests in such lands. (Apr. 27, 1935, sec. 2, 49 Stat.

163; 16 U. S. C., sec. 590b.)

1084-24. Conditions under which benefits of law extend to nongovernment controlled lands.—As a condition to the extending of any benefits under this Act to any lands not owned or controlled by the United States or any of its agencies, the Secretary of Agriculture may, insofar as he may deem necessary for the purposes of this Act, require—

(1) The enactment and reasonable safeguards for the enforcement of State and local laws imposing suitable permanent restrictions on the use of such lands and otherwise providing for the prevention of

soil erosion;

(2) Agreements or covenants as to the permanent use of such

lands; and

(3) Contributions in money, services, materials, or otherwise, to any operations conferring such benefits. (Apr. 27, 1935, sec. 3, 49

Stat. 163; 16 U. S. C., sec. 590c.)

1084-25. Cooperation of governmental agencies; officers and employees, appointment and compensation; expenditures for personal services and supplies.—For the purposes of this Act, the Secretary of Agriculture may—

(1) Secure the cooperation of any governmental agency;

(2) Subject to the provisions of the civil-service laws and the Classification Act of 1923, as amended, appoint and fix the compensation of such officers and employees as he may deem necessary, except for a period not to exceed eight months from the date of this enactment, the Secretary of Agriculture may make appointments and may continue employees of the organization heretofore established for the purpose of administering thos provisions of the National Industrial Recovery Act which relate to the prevention of soil erosion, without regard to the civil-service laws or regulations and the Classification Act, as amended; and any persons with technical or practical knowledge may be employed and compensated under this Act on a basis to be determined by the Civil Service Commission; and

(3) Make expenditures for personal services and rent in the District of Columbia and elsewhere, for the purchase of law books and books of reference, for printing and binding, for the purchase, operation, and maintenance of passenger-carrying vehicles, and perform such acts, and prescribe such regulations, as he may deem proper to carry out the provisions of this Act. (Apr. 27, 1935, sec. 4, 49 Stat.

164; 16 U. S. C., sec. 590d.)

1084-26. Soil Conservation Service; establishment; utilization and transfer of existing governmental agencies.—The Secretary of Agriculture shall establish an agency to be known as the "Soil Conservation Service", to exercise the powers conferred on him by this Act and may utilize the organization heretofore established for the purpose of administering those provisions of sections 202 and 203 of the National Industrial Recovery Act which relate to the prevention of soil erosion, together with such personnel thereof as the Secretary of Agriculture may determine, and all unexpended balances of funds heretofore allotted to said organization shall be available until June 30, 1937, and the Secretary of Agriculture shall assume all obligations incurred

by said organization prior to transfer to the Department of Agriculture. Funds provided in H. J. Res. 117, "An Act making appropriation for relief purposes" (for soil erosion) shall be available for expenditure under the provisions of this Act; and in order that there may be proper coordination of erosion-control activities the Secretary of Agriculture may transfer to the agency created under this Act such functions, funds, personnel, and property of other agencies in the Department of Agriculture as he may from time to time determine. (Apr. 27, 1935, sec. 5, 49 Stat. 164; 16 U. S. C., sec. 590e.)

1084-27. Appropriation authorized.—There are hereby authorized to be appropriated for the purposes of this Act such sums as Congress may from time to time determine to be necessary. (Apr. 27, 1935, sec.

6, 49 Stat. 164; 16 U.S.C., sec. 590f.)

1084-28. Additional policies and purposes of Act—

Purposes enumerated. (a) It is hereby declared to be the policy of this Act also to secure, and the purposes of this Act shall also include, (1) preservation and improvement of soil fertility; (2) promotion of the economic use and conservation of land; (3) diminution of exploitation and wasteful and unscientific use of national soil resources; (4) the protection of rivers and harbors against the results of soil erosion in aid of maintaining the navigability of waters and water courses and in aid of flood control; and (5) reestablishment, at as rapid a rate as the Secretary of Agriculture determines to be practicable and in the general public interest, of the ratio between the purchasing power of the net income per person on farms and that of the income per person not on farms that prevailed during the five-year period August 1909-July 1914, inclusive, as determined from statistics available in the United States Department of Agriculture, and the maintenance of such ratio. The powers conferred under sections 7 to 14, inclusive, of this Act shall be used to assist voluntary action calculated to effectuate the purposes specified in this section. Such powers shall not be used to discourage the production of supplies of foods and fibers sufficient to maintain normal domestic human consumption as determined by the Secretary from the records of domestic human consumption in the years 1920 to 1929, inclusive, taking into consideration increased population, quantities of any commodity that were forced into domestic consumption by decline in exports during such period, current trends in domestic consumption and exports of particular commodities, and the quantities of substitutes available for domestic consumption within any general class of food commodities. In carrying out the purposes of this section due regard shall be given to the maintenance of a continuous and stable supply of agricultural commodities adequate to meet consumer demand at prices fair to both producers and consumers.

Cooperation with States; grants. (b) The Secretary of Agriculture shall cooperate with States, in the execution of State plans to effectuate the purposes of this section, by making grants under this section

to enable them to carry out such plans.

State plans. (c) Any State which submits to the Secretary, prior to such time and in such manner and form as the Secretary prescribes, a State plan to effectuate the purposes of this section shall be entitled to payments, as provided in this section, for the year to which such plan is applicable, if such plan is approved by the Secretary as provided in this section.

Conditions of plans. (d) No such plan shall be approved unless by its terms:

(1) It provides that the agency to administer the plan shall be such State agency as may be designated by the Secretary if such agency is authorized by the State, or such other State agency as is authorized by the State and approved by the Secretary;

(2) It provides for such methods of administration, and such participation in the administration of the plan by county and community committees or associations of agricultural producers organized for such purpose, as the Secretary finds necessary for

the effective administration of the plan; and

(3) It provides for the submisison to the Secretary of such reports as he finds necessary to ascertain whether the plan is being carried out according to its terms, and for compliance with such requirements as the Secretary may prescribe to assure the correctness of and make possible the vertification of such reports.

Approval of plans. (e) Such plan shall be approved if the Secretary finds that there is a reasonable prospect that—

(1) Substantial accomplishment in effectuating the purposes of this section will be brought about through the operation of such plan and the plans submitted by other States, and

(2) The operation of such plan will result in as substantial a furtherance of such accomplishment as may reasonably be

achieved through the action of such State.

Allocation of funds. (f) Upon approval of any State plan for any year the Secretary shall allocate to such State such sum (not in excess of the maximum amount fixed in pursuance of subsection (g) for such State for such year) as he finds necessary to carry out such plan for such year, and thereupon shall certify to the Secretary of the Treasury for payment to such agency of the State as the Secretary of Agriculture certifies is designated in the plan, and the Secretary of the Treasury shall pay to such agency, one-fourth of the amount so allocated. The remainder of the amount so allocated shall be similarly certified and paid in such installments (payable prior to the end of the calendar year) as may be provided in the plan. No such installment shall be certified for payment if the Secretary of Agriculture finds that, prior to the due date of such installment, there has been a substantial failure by the State to carry out the plan according to its terms, or that the further operation of the plan according to its terms will not tend to effectuate the purposes of this section. No amount shall be certified for payment under any such installment in excess of the amount the Secretary finds necessary for the effective carrying out of the plan during the period to which the installment relates.

Apportionment of funds. (g) On or before November 1 of each year, the Secretary shall apportion among the several States the funds which will be available for carrying out State plans during the next calendar year, and in determining the amount to be apportioned to each State, the Secretary shall take into consideration the acreage and value of the major soil depleting and major export crops produced in the respective States during a representative period and the acreage and productivity of land devoted to agricultural production (including dairy products) in the respective States during a representative

period: Provided, however, That any such apportionment of funds available for carrying out State plans during any year prior to 1942 may be made at any time prior to or during the year to which such plans relate. Notwithstanding the making of an apportionment to any State for any calendar year, the funds apportioned to any State for which no plan has been approved for such year, and any amount apportioned to any State which is not required to carry out an approved plan for such State for such year, shall be available for carrying out the provisions of sections 7 to 14, inclusive, of this Act. (Apr. 27, 1935, sec. 7, as added Feb. 29, 1936, sec. 1, 49 Stat. 1148, as amended June 28, 1937, sec. 1, 50 Stat. 329; 16 U. S. C., sec. 590g (a) to (g).)

Duration of authority of Secretary of Agriculture. (a) In order to carry out the purposes specified in section 7 (a) during the period necessary to afford a reasonable opportunity for legislative action by a sufficient number of States to assure the effectuation of such purposes by State action and in order to promote the more effective accomplishment of such purposes by State action thereafter, the Secretary shall exercise the powers conferred in this section during the period prior to January 1, 1942, except with respect to farming operations commenced in any State after the effective date of a State plan for such State approved pursuant to section 7. No such powers shall be exercised after December 31, 1941, except with respect to payments or grants in connection with farming operations carried out prior to January 1,

Payments and grants of aid; local, county, state committees; rules and regulations. (b) Subject to the limitations provided in subsection (a) of this section, the Secretary shall have power to carry out the purposes specified in clauses (1), (2), (3), (4), and (5) of section 7 (a) by making payments or grants of other aid to agricultural producers, including tenants and sharecroppers, in amounts determined by the Secretary to be fair and reasonable in connection with the effectuation of such purposes during the year with respect to which such payments or grants are made, and measured by (1) their treatment or use of their land, or a part thereof, for soil restoration, soil conservation, or the prevention of erosion; (2) changes in the use of their land; (3) their equitable share, as determined by the Secretary, of the normal national production of any commodity or commodities required for domestic consumption; or (4) their equitable share, as determined by the Secretary, of the national production of any commodity or commodities required for domestic consumption and exports adjusted to reflect the extent to which their utilization of cropland on the farm conforms to farming practices which the Secretary determines will best effectuate the purposes specified in section 7 (a); or (5) any combination of the above. In arid or semiarid sections, (1) and (2) above shall be construed to cover water conservation and the beneficial use of water on individual farms, including measures to prevent run-off, the building of check dams and ponds, and providing facilities for applying water to the land. In determining the amount of any payment or grant measured by (1) or (2) the Secretary shall take into consideration the productivity of the land affected by the farming practices adopted during the year with respect to which such payment is made. In carrying out the provisions of this section in the continental United States, the Secretary is directed to utilize the services of local and State committees selected as hereinafter provided. The Secretary shall designate local administrative areas as units for administration of programs under this section. No such local area shall include more than one county or parts of different counties. Farmers within any such local administrative area, and participating or cooperating in programs administered within such area, shall elect annually from among their number a local committee of not more than three members for such area and shall also elect annually from among their number a delegate to a county convention for the election of a county committee. The delegates from the various local areas in the county shall, in a county convention, elect, annually, the county committee for the county which shall consist of three members who are farmers in the county. The local committee shall select a secretary and may utilize the county agricultural extension agent for such purpose. The county committee shall select a secretary who may be the county agricultural extension agent. If such county agricultural extension agent shall not have been elected secretary of such committee, he shall be ex officio a member of the county committee. The county agricultural extension agent shall not have the power to vote. In any county in which there is only one local committee the local committee shall also be the county committee. In each State there shall be a State committee for the State composed of not less than three or more than five farmers who are legal residents of the State and who are appointed by the Secretary. The State director of the Agricultural Extension Service shall be ex officio a member of such State committee. The ex officio members of the county and State committees shall be in addition to the number of members of such committees hereinbefore specified. The Secretary shall make such regulations as are necessary relating to the selection and exercise of the functions of the respective committees, and to the administration, through such committees, of such programs. In carrying out the provisions of this section, the Secretary—shall, as far as practicable, protect the interests of tenants and sharecroppers; is authorized to utilize the agricultural extension service and other approved agencies; shall accord such recognition and encouragement to producer-owned and producer-controlled cooperative associations as will be in harmony with the policy toward cooperative associations set forth in existing Acts of Congress and as will tend to promote efficient methods of marketing and distribution; shall not have power to acquire any land or any right or interest therein; shall, in every practicable manner, protect the interests of small producers; and shall in every practical way encourage and provide for soil-conserving and soil-rebuilding practices rather than the growing of soil-depleting crops. Rules and regulations governing payments or grants under this subsection shall be as simple and direct as possible, and, wherever practicable, they shall be classified on two bases: (a) Soil-depleting crops and practices, (b) soilbuilding crops and practices.

Apportionment of acreage allotments. (c) (1) In apportioning acreage allotments under this section in the case of wheat and corn, the National and State allotments and the allotments to counties shall be apportioned annually on the basis of the acreage seeded for the

production of the commodity during the ten calendar years immediately preceding the calendar year in which the national acreage allotment is determined (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and

trends in acreage during the applicable period.

(2) In the case of wheat, the allotment to any county shall be apportioned annually by the Secretary, through the local committees, among the farms within such county on the basis of tillable acres, crop-rotation practices, type of soil, and topography. Not more than 3 per centum of such county allotment shall be apportioned to farms on which wheat has not been planted during any of the three marketing years immediately preceding the marketing year in which the allotment is made.

(3) In the case of corn, the allotment to any county shall be apportioned annually by the Secretary, through the local committees, among the farms within such county on the basis of tillable acreage,

type of soil, topography, and crop-rotation practices.

(5) In determining normal yield per acre for any county under this section in the case of wheat or corn, the normal yield shall be the average yield per acre therein for such commodity during the ten calendar years immediately preceding the calendar year in which such yield is determined, adjusted for abnormal weather conditions and trends in yields. If for any reason there is no actual yield, or the data therefor are not available for any year, then an appraised yield for such year, determined in accordance with regulations of the Secretary, shall be used. If, on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of such ten-year period is less than 75 per centum of the average (computed without regard to such year), such year shall be eliminated in calculating the normal yield per acre. Such normal yield per acre for any county need be redetermined only when the actual average yield for the ten calendar years immediately preceding the calendar year in which such yield is being reconsidered differs by at least 5 per centum from the actual average yield for the ten years upon which the existing normal yield per acre for the county was based.

(6) In determining normal yield per acre for any farm under this section in the case of wheat or corn, the normal yield shall be the average yield per acre thereon for such commodity during the ten calendar years immediately preceding the calendar year in which such yield is determined, adjusted for abnormal weather conditions and trends in yields. If for any such year the data are not available, or there is no actual yield, then the normal yield for the farm shall be appraised in accordance with regulations of the Secretary, taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available.

Conditions affecting payments or grants of aid. (d) Any payment or grant of aid made under subsection (b) shall be conditioned upon the utilization of the land, with respect to which such payment is made, in conformity with farming practices which the Secretary

^{*}Sec. 4 was repealed by sec. 101 (c) (4) Agricultural Adjustment Act of 1938, 53 Stat.

finds tend to effectuate any one or more of the purposes specified in

clauses (1), (2), (3), (4), or (5) of section 7 (a).

Any payment made under subsection (b) with respect to any farm (except for lands which the Secretary determines should not be utilized for the harvesting of crops but should be permanently used for grazing purposes only) shall, if the number of cows kept on such farm, and in the county in which such farm is located, for the production of milk or products thereof (for market), exceeds the normal number of such cows, be further conditioned upon the utilization of the land, with respect to which such payment is made, so that soilbuilding and soil-conserving crops planted or produced on an acreage equal to the land normally used for the production of soil-depleting crops but, as a condition of such payment, not permitted to be so used, shall be used for the purpose of building and conserving the fertility of the soil, or for the production of agricultural commodities to be consumed on the farm, and not for market. Whenever it is determined that a county, as a whole, is in substantial compliance with the provisions of this paragraph, no payment shall be denied any individual farmer in the county by reason of this paragraph; and no payment shall be denied a farmer by reason of this paragraph unless it has been determined that the farmer has not substantially complied with the provisions of this paragraph. Whenever the Secretary finds that by reason of drought, flood, or other disaster, a shortage of feed exists in any area, he shall so declare, and to the extent and for the period he finds necessary to relieve such shortage, the operation of the condition provided in this paragraph shall be suspended in such area and, if necessary to relieve such shortage, in other areas defined by him. As used in this paragraph, the term "for market" means for disposition by sale, barter, or exchange, or by feeding (in any form) to dairy livestock which, or the products of which, are to be sold, bartered, or exchanged; and such term shall not include consumption on the farm. An agricultural commodity shall be deemed consumed on the farm if consumed by the farmer's family, employees, or household, or if fed to poultry or livestock other than dairy livestock on his farm; or if fed to dairy livestock on his farm and such dairy livestock, or the products thereof, are to be consumed by his family, employees, or household. Whenever the Secretary has reason to believe the income of producers of livestock (other than dairy cattle) or poultry in any area from such sources is being adversely affected by increases in the supply for market of such livestock or poultry, as the case may be, arising as a result of programs carried out under this Act, he shall make an investigation with respect to the existence of such facts. If, upon investigation, the Secretary finds that the income of producers of such livestock or poultry, as the case may be, in any area from any such source is being adversely affected by such increases, he shall, as soon as practicable, make such provisions in the administration of this Act with respect to the use of diverted acres as he may find necessary to protect the interests of producers of such livestock or poultry in the affected area.

Distribution of payments among landlords, tenants, and sharecroppers. (e) Payments made by the Secretary to farmers under subsection (b) shall be divided among the landlords, tenants, and sharecroppers of

any farm, with respect to which such payments are made, in the same proportion that such landlords, tenants, and sharecroppers are entitled to share in the proceeds of the agricultural commodity with respect to which such payments are made, except that payments based on soil-building or soil-conserving practices shall be divided in proportion to the extent which such landlords, tenants, and sharecroppers contribute to the carrying out of such practices. Such payments shall be paid by the Secretary directly to the landlords, tenants, or sharecroppers entitled thereto, and shall be computed at rates which will permit the Secretary to set aside out of the funds available for the making of such payments for each year an amount sufficient to permit the increases herein specified to be made within the limits of the funds so available. If with respect to any farm the total payment to any person for any year would be:

(1) Not more than \$20, the payment shall be increased by 40 per centum;

(2) More than \$20 but not more than \$40, the payment shall be

increased by \$8, plus 20 per centum of the excess over \$20;

(3) More than \$40 but not more than \$60, the payment shall be increased by \$12, plus 10 per centum of the excess over \$40;

(4) More than \$60 but not more than \$186, the payment shall be

increased by \$14; or

(5) More than \$186 but less than \$200, the payment shall be increased to \$200.

In the case of payments of more than \$1, the amount of the payment which shall be used to calculate the 40-, 20-, and 10-per-centum increases under clauses (1), (2), and (3) shall not include that part, if

any, of the payment which is a fraction of a dollar.

Beginning with the calendar year 1939, no total payment for any year to any person under such subsection (b) shall exceed \$10,000. In the case of payments made to any individual, partnership, or estate on account of performance on farms in different States, Territories, or possessions, the \$10,000 limitation shall apply to the total of the payments for each State, Territory, or possession, for a year and not to

the total of all such payments.

Change between landlord and tenants or sharecroppers affecting landlord's payments. (f) Any change between the landlord and the tenants or sharecroppers, with respect to any form, that would increase over the previous year the amount of payments or grants of other aid under subsection (b) that would otherwise be made to any landlord shall not operate to increase such payment or grant to such landlord. Any reduction in the number of tenants below the average number of tenants on any farm during the preceding three years that would increase the payments or grants of other aid under such subsection that would otherwise be made to the landlord shall not hereafter operate to increase any such payment or grant to such landlord. Such limitations shall apply only if the county committee finds that the change or reduction is not justified and disapproves such change or reduction.

Assignment of payments. (g) A payment which may be made to a farmer under this section, may be assigned, without discount, by him in writing as security for each or advances to finance making a crop.

Such assignment shall be signed by the farmer and witnessed by a member of the county or other local committee, or by the treasurer or the secretary of such committee, and filed with the county agent or the county committee. Such assignment shall include the statement that the assignment is not made to pay or secure any preexisting indebtedness. This provision shall not authorize any suit against or impose any liability upon the Secretary or any disbursing agent if payment to the farmer is made without regard to the existence of any such assignment. (Apr. 27, 1935, sec. 8, as added Feb. 29, 1936, sec. 1, 49 Stat. 1149; as amended June 28, 1937, sec. 1, 50 Stat. 329; Feb. 16, 1938, Title I, secs. 101, 102, 103, 52 Stat. 31, 34, 35; Apr. 7, 1938, secs. 16–18, 52 Stat. 204, 205; Apr. 10, 1939, 53 Stat. 573; July 2, 1940, sec. 2, 54 Stat. 727; 16 U. S. C., sec. 590h (a) to (g).)

1084—30. Surveys and investigations; publication of information; reports.—The Secretary is authorized to conduct surveys, investigations, and research relating to the conditions and factors affecting, and methods of accomplishing most effectively, the policy and purposes of section 7 (a). Notwithstanding any provision of existing law, the Secretary is authorized to make public such information as he deems necessary to carry out the provisions of this Act. The Secretary shall transmit to the Congress a report, for the fiscal year ending June 30, 1937, and for each fiscal year thereafter, of the operations for such year under sections 7 to 14, inclusive, of this Act, which report shall include a statement of the expenditures made and obligations incurred, by classes and amounts. (Apr. 27, 1935, sec. 9, as added Feb. 29, 1936, sec. 1, 49 Stat. 1150, as amended June 28, 1937, sec. 2, 50 Stat. 329; 16 U. S. C., sec. 590i.)

1084-31. "Agricultural commodity" defined.—The term "agricultural commodity" as used in this Act means any such commodity and any regional or market classification, type, or grade thereof. (Apr. 27, 1935, sec. 10, as added Feb. 29, 1936, sec. 1, 49 Stat. 1150; 16 U. S. C.

sec. 590j.)

1034–32. Availability of funds.—All funds available for carrying out this Act shall be available for allotment to the bureaus and offices of the Department of Agriculture and for transfer to such other agencies of the Federal or State Governments as the Secretary may request to cooperate or assist in carrying out this Act And* for payments to committees or associations of producers in any region or regions to cover the estimated administrative expenses to be incurred by any such committee or association in cooperating in carrying out this Act: Provided, That the Secretary may prescribe that all or part of such estimated expenses of any such committee or association may be deducted pro rata from the payments or grants made to the members thereof: And provided further, That the Secretary may make such payments in advance of determination of performance. (Apr. 27, 1935, sec. 11, as added Feb. 29, 1936, sec. 1, 49 Stat. 1150, and amended June 24, 1936, 49 Stat. 1915; 16 U. S. C., sec. 590k.)

1084-33. Expansion of domestic and foreign markets for agricultural commodities; advances for crop insurance.—(a) Whenever the Secretary finds that the exercise of the powers conferred in this section will tend to carry out the purpose specified in clause (5) of section 7 (a), or

^{*}So in original.

will tend to provide for and maintain a continuous and stable supply of agricultural commodities adequate to meet consumer demand at prices fair to both producers and consumers, or both, he shall use such part as he deems necessary of the sums appropriated to carry out this Act for the expansion of domestic and foreign markets or for seeking new or additional markets for agricultural commodities or the products thereof or for the removal or disposition of surpluses of such com-

modities or the products thereof.

(b) The Secretary is authorized to make advances to producers for the purpose of assisting them to insure their crops with the Federal Crop Insurance Corporation. The Secretary shall remit the amount of any such advances to a producer directly to such Corporation in payment of the premium on the insurance for which the producer has made application. Advances shall only be made to producers who are participating or who agree to participate in a program formulated pursuant to section 8. Except as otherwise provided in this subsection, the terms and conditions of such advances shall be fixed by the Secretary. The appropriation made in the Department of Agriculture Appropriation Act, fiscal year 1939, under the item entitled "Conservation and Use of Agricultural Land Resources, Department of Agriculture", shall be available during the fiscal year 1939 for advances authorized by this subsection. In carrying out the provisions of this subsection, the Secretary may transfer to the Federal Crop Insurance Corporation, prior to the execution of applications for insurance or requests for advances by producers, the funds estimated as necessary to cover the advances which will be requested for the payment of premiums under a crop-insurance program, and any portion of such funds not used for advances to producers under such program shall be returned to the Secretary by the Federal Crop Insurance Corporation. (Apr. 27, 1935, sec. 12, as added Feb. 29, 1936, sec. 1, 49 Stat. 1151; amended Mar. 25, 1939, 53 Stat. 550; July 2, 1940, sec. 1, 54 Stat. 727; 16 U. S. C., sec. 591*l*.)

1084-34. Execution of powers of Secretary by Agricultural Adjustment Administration.—Notwithstanding the foregoing provisions of this Act, the Secretary is authorized and directed to provide for the execution by the Agricultural Adjustment Administration of such powers conferred upon him under sections 7 to 14, inclusive, of this Act as he deems may be appropriately exercised by such Administration, and for such purposes the provisions of law applicable to the appointment and compensation of persons employed by the Agricultural Adjustment Administration shall apply. (Apr. 27, 1935, sec. 13, as added

Feb. 29, 1936, sec. 1, 49 Stat. 1151; 16 U.S. C., sec. 590m.)

1084-35. Payments reviewable only by Secretary.—The facts constituting the bases for any payment or grant or the amount thereof authorized to be made under section 7 or 8 hereof, when officially determined in conformity with rules or regulations prescribed by the Secretary of Agriculture, shall be reviewable only by the Secretary of Agriculture. (Apr. 27, 1935, sec. 14, as added Feb. 29, 1936, sec. 1, 49 Stat. 1151;

16 U. S. C., sec. 590n.)

1084-36. Appropriation for purposes of sections 590g and 590h; allocation of funds among commodities.—To enable the Secretary of Agriculture to carry out the purposes of sections 7 and 8 there is hereby authorized to be appropriated for any fiscal year not exceeding \$500,000,000.

The funds available for payments (after allowing for estimated administrative expenses, and not to exceed 5 per centum for payments with respect to range lands, noncrop pasture lands, and naval stores) shall be allocated among the commodities produced with respect to which payments or grants are to be computed. In allocating funds among the commodities the Secretary shall take into consideration and give equal weight to (1) the average acreages planted to the various commodities (including rotation pasture), for the ten years 1928 to 1937, adjusted for abnormal weather and other conditions, including acreage diverted from production under the agricultural adjustment and soil conservation programs; (2) the value at parity prices of the production from the allotted acreages of the various commodities for the year with respect to which the payment is made; (3) the average acreage planted to the various commodities during the ten years 1928 to 1937, including the acreage diverted from production under the agricultural adjustment and soil conservation programs, in excess of the allotted acreage for the year with respect to which the payment is made; and (4) the value based on average prices for the preceding ten years of the production of the excess acreage determined under item (3). The rate of payment used in making payments to the producers of each commodity shall be such that the estimated payments with respect to such commodity shall equal the amount of funds allocated to such commodity as herein provided. For the purpose of allocating funds and computing payments or grants the Secretary is authorized to consider as a commodity a group of commodities or a regional or market classification of a commodity. For the purpose of computing payments or grants the Secretary is authorized to use funds allocated to two or more commodities produced on farms of a designated regional or other classification to compute payments with respect to one of such commodities on such farms, and to use funds, in an amount equal to the estimated payments which would be made in any county, for making payments pursuant to a special program under section 8 approved by the Secretary for such county: Provided, That farm acreage allotments shall be made for wheat in 1938, but in determining compliance wheat shall be considered in the group with other crops for which special acreage allotments are not made. (Apr. 27, 1935, sec. 15, as added Feb. 29, 1936, sec. 1, 49 Stat. 1151, as amended Feb. 16, 1938, Title I, sec. 104, 52 Stat. 35; 16 U.S. C., sec. 590o.)

1084-37. Limitation on obligations incurred.—The obligations incurred for the purpose of carrying out, for any calendar year, the provisions of sections 7 to 14, inclusive, of this Act shall not exceed \$500,000,000. (Apr. 27, 1935, sec. 16, as added Feb. 29, 1936, sec. 1,

49 Stat. 1151; 16 U. S. C., sec. 590p.)

1084-38. Scope of application of article; "State" defined; short title.—
(a) This Act shall apply to the United States, the Territories of Alaska and Hawaii, and the possession of Puerto Rico, and as used in this Act, the term "State" includes Alaska, Hawaii, and Puerto Rico.

(b) This Act may be cited as the "Soil Conservation and Domestic Allotment Act." (Apr. 27, 1935, sec. 17, as added Feb. 29, 1936,

sec. 1, 49 Stat. 1151; 16 U.S. C., sec. 590q.)

1084-39. Secretary authorized to utilize regional associations and Government agencies in administering naval stores conservation programs.—

That in administering the naval stores conservation programs authorized in section 8 of the Soil Conservation and Domestic Allotment Act and in making payments thereunder to gum naval stores producers the Secretary may utilize the services of regional associations of such producers or any agency of the Government in lieu of the State, county, and other local committees utilized in the other agricultural conservation programs if he finds that more efficient administration will result, and the provisions of section 388(b) of the Agricultural Adjustment Act of 1938 shall otherwise be applicable to the administration of said naval stores conservation programs. (June 16, 1938, Title I, 52 Stat. 746; 16 U. S. C., sec. 590h-1.)

1084-40. Photographs, mosaics, and maps to be furnished.—That reproductions of such aerial or other photographs, mosaics, and maps as shall be required in connection with the authorized work of the Soil Conservation Service may be furnished at the cost of reproduction to Federal, State, county, or municipal agencies requesting such reproductions, * * * . (June 29, 1937, 50 Stat. 429; June 16, 1938, Title I, 52 Stat. 744; June 30, 1939, Title I, 53 Stat. 973; 16 U, S. C., sec.

590i-1.)

WATER CONSERVATION

1084-41. Declaration of Policy.—That it is hereby recognized that the wastage and inadequate utilization of water resources on farm, grazing, and forest lands in the arid and semiarid areas of the United States resulting from inadequate facilities for water storage and utilization contribute to the destruction of natural resources, injuries to public health and public lands, droughts, periodic floods, crop failures, decline in standards of living, and excessive dependence upon public relief, and thereby menace the national welfare. It is therefore hereby declared to be the policy of Congress to assist in providing facilities for water storage and utilization in the arid and semiarid areas of the United States. (Aug. 28, 1937, sec. 1, 50 Stat. 869; 16 U. S. C., sec. 590r.)

1084-42. Powers and duties of Secretary of Agriculture in promoting proper land use.—In order to effectuate this policy and promote proper land use in the said areas, the Secretary of Agriculture is hereby

authorized, from time to time-

(1) To formulate and keep current a program of projects for the construction and maintenance in the said areas of ponds, reservoirs, wells, check-dams, pumping installations, and other facilities for water storage or utilization, together with appurtenances to such facilities. The facilities to be included within such program shall be located where they will promote the proper utilization of lands and no such facilities shall be located where they will encourage the cultivation of lands which are submarginal and which should be devoted to other uses in the public interest;

(2) To construct and to sell or lease, with or without a money consideration, under such terms and conditions as will advance the purposes of this Act, the facilities mentioned in section 2 (1) and included within the program there provided for, including the lands upon which such facilities are located if they have been acquired or

reserved for the purposes of this Act;

(3) To cooperate or enter into agreements with, or to furnish financial or other aid to, any agency, governmental or otherwise, or any person, subject to such conditions as he may deem necessary for

the purposes of this Act; and

(4) To obtain options upon and to acquire lands, or rights or interests therein, or rights to the use of water, by purchase, lease, gift, exchange, condemnation, or otherwise, only when necessary for the purposes of this Act. (Aug. 28, 1937, sec. 2, 50 Stat. 869; 16 U. S. C., sec. 590s.)

1084-43. Location of projects.—The facilities included in the pro-

gram provided for in section 2 (1) may be located-

(a) On lands owned or controlled by the United States or any of its agencies, with the cooperation of the agency having jurisdiction thereof; and

(b) On any other lands upon obtaining proper consent or the necessary rights or interests in such lands. (Aug. 28, 1937, sec. 3, 50

Stat. 869; 16 U.S. C., sec. 590t.)

1084-44. State aid; requirements.—As a condition to extending benefits under this Act to any lands not owned or controlled by the United States or any of its agencies, the Secretary of Agriculture may, insofar as he may deem necessary for the purposes of this Act, require—

(1) The enactment of State and local laws providing for soil conserving land uses and practices, and the storage, conservation and

equitable utilization of waters;

(2) Agreements or covenants in regard to the maintenance and permanent use of such water, facilities, or lands benefited by such facilities:

(3) Contributions in money, services, materials, or otherwise to any operations conferring such benefits. (Aug. 28, 1937, sec. 4, 50 Stat.

870; 16 U. S. C., sec. 590u.)

1084-45. Use of employees and agencies within the Department of Agriculture required.—The Secretary of Agriculture, in administering the provisions of this Act, shall utilize the officers, employees, and facilities of agencies within the Department of Agriculture whose functions are related to the program provided for in this Act, and may allot to such agencies or transfers to such other agencies of the Federal Government as he may request to assist in carrying out any of the provisions of this Act, any funds available for the purposes of this (Aug. 28, 1937, sec. 5, 50 Stat. 870; 16 U. S. C., sec. 590v.)

1084-46. Cooperation of governmental agencies; expenditures; rules and regulations.—For the purposes of this Act, the Secretary of Agricul-

ture may-

(1) Secure the cooperation of any governmental agency;

(2) Make expenditures for personal services and rent in the District of Columbia and elsewhere, for the purchase of law books and books of reference, for printing and binding, for the purchase, exchange, operation, and maintenance of passenger-carrying vehicles, for supplies and equipment, for traveling expenses and for other administrative expenses; and

(3) Perform such acts, and prescribe such rules and regulations as he may deem proper to carry out the provisions of this Act. (Aug.

28, 1937, sec. 6, 50 Stat. 870; 16 U. S. C., sec. 590w.)

1084-47. Appropriation.—There are hereby authorized to be appropriated for the purposes of this Act such sums as Congress may from time to time determine to be necessary. (Aug. 28, 1937, sec. 7.

50 Stat. 870; 16 U.S. C., sec. 590x.)

1084-48. Withdrawal of national-forest lands for protection of municipal watersheds authorized.—That whenever a municipality obtains its water supply from a national forest and has entered into a cooperative agreement with the Secretary of Agriculture for the protection of the watershed within the national forest from which the water is secured, the President of the United States may, and he is hereby, authorized, upon application by said municipality, and endorsed by the governing board of the county or counties in which the lands concerned are located and approved by the Secretaries of Agriculture and the Interior, to reserve and set aside from all forms of location, entry, or appropriation any national-forest lands, which are covered by such cooperative agreement, subject, however, to valid, existing rights and claims, and such reservation shall remain in force until revoked by the President or by an Act of Congress: Provided, That nothing herein shall affect the power of the Sercetary of the Interior to withdraw and utilize withdrawn lands under the Federal reclamation laws: And provided further, That the President, upon recommendation of the Secretaries of the Interior and Agriculture, may, by Executive order, when in his judgment the public interest would best be served thereby and after reasonable notice has been given through the Department of the Interior, restore any of the lands so withdrawn to appropriation under an applicable public-land law. (May 28, 1940, sec. 1, 54 Stat. 224.)

1084-49. Same; Secretary of Agriculture authorized to administer forest lands withdrawn for municipal watersheds.—Lands withdrawn under the provisions of this Act shall be administered by the Secretary of Agriculture under such agreements for the protection of the watershed as he may make with the municipality concerned, and the Secretary of Agriculture is hereby authorized, in addition to the rules and regulations adopted for the administration of the national forests, to adopt and prescribe such further rules and regulations as he considers necessary to effect the adequate protection of the watershed, including a rule or regulation forbidding persons other than forest officers and representatives of the municipality from going on the lands so reserved or making any use whatever thereof. (May 28, 1940, sec. 2,

54 Stat. 224.)

1084-50. Same; Forest Service authorized to receive reimbursement from municipalities deriving water from national forests.—Whenever national-forest lands are withdrawn under this Act, and the municipality concerned objects to the utilization of the timber or other resources of lands withdrawn, and the Secretary of Agriculture agrees to withhold such resources from utilization, said municipality shall pay to the Forest Service annually an amount which the Secretary of Agriculture shall determine is necessary to reimburse the United States for the loss of net annual revenues which would be derived from the resources so withheld from disposition. (May 28, 1940, sec. 3, 54 Stat. 225.)

1084-51. Same; penalty provisions.—Any violation of the regulations issued under this Act shall be punished as is provided in section 50 of

the Act entitled "An Act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909 (35 Stat. L. 1098).

(May 28, 1940, sec. 4, 54 Stat. 225.)

1084-52. Water conservation in Great Plains and in arid and semi-arid areas authorized; powers of Secretary of the Interior thereunder.—For the purpose of stabilizing water supply and thereby rehabilitating farmers on the land and providing opportunities for permanent settlement of farm families, the Secretary of the Interior (hereinafter referred to as "the Secretary") is hereby authorized to investigate and, upon compliance with the provisions of this Act, to construct water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States, and to operate and maintain each such project in accordance with the provisions of this Act: Provided. That the United States shall retain title to the dams, reservoirs, irrigation, and other project works until Congress otherwise provides: And provided further, That expenditures from appropriations made directly pursuant to the authority contained in section 12 (1) to meet reimbursable construction costs allocated to irrigation as defined in section 4 (b) shall not exceed \$1,000,000 for dams and reservoirs in any one project. (Aug. 28, 1937, 50 Stat. 869; Aug. 11, 1939, 53 Stat.

1418; Oct. 14, 1940, 54 Stat. 1119.)

1084-53. Same: Department of Agriculture authorized to participate in program: reimbursement.—In connection with the investigation, construction, or operation and maintenance of a project, pursuant to the authority of this Act, the Secretary is authorized to utilize (1) in such manner as the President may direct, services, labor, materials, or other property, including money, supplied by the Work Projects Administration, the Civilian Conservation Corps, the Office of Indian Affairs, the Department of Agriculture, or any other Federal agency, for which the United States shall be reimbursed in such amounts as the President may fix for each project, within the limits of the water users' ability to repay costs as found by the Secretary under subsection 3 (a) (iv); and (2) such services, labor, materials, easements or property, including money, as may be contributed by any State or political subdivision thereof, State agency, municipal corporation, or other organization, or individuals, if, in the judgment of the Secretary, the acceptance thereof will not impair the title of the United States to the project works and will not reduce the probability that the project water users can meet the obligations to the United States entered into pursuant to this Act. Moneys received and accepted under (2) of this section shall be and remain available for expenditure for the purposes for which contributed in like manner as if said sums had been specifically appropriated for said purposes. (Aug. 28, 1937, 50 Stat. 869; Aug. 11, 1939, 53 Stat. 1418; Oct. 14, 1940, 54 Stat. 1119.)

1084-54. Same; limitations upon construction; further functions of Secretary of Agriculture.—(a) No construction of a project may be undertaken pursuant to the authority of this Act unless and until the Secretary has made an investigation thereof and has submitted to the

President his report and findings on—

(i) the engineering feasibility of the proposed construction;

(ii) the estimated cost of the proposed construction;

(iii) the part of the estimated cost which properly can be allocated to irrigation;

(iv) the part of the estimated cost which probably can be repaid by the water users in accordance with the requirements of section 4;

(v) the part of the estimated cost which can properly be allocated to municipal or miscellaneous water supplies or power and probably be returned to the United States in revenues therefrom;

(vi) the part of the estimated cost which can properly be allocated to the irrigation of Indian trust and tribal lands, and be repayable

in accordance with existing law relating to Indian lands;

(vii) the part of the estimated cost which can properly be allocated to flood control as recommended by the Chief of Engineers, War

Department.

In connection with each such investigation, report, and finding, the Secretary shall consult with the Secretary of Agriculture regarding participation in the proposed project by the Department of Agriculture under the authority of sections 5 and 6; and the Secretary shall also transmit to the President a report by the Secretary of Agriculture to the President on the participation, if any, proposed by the Department of Agriculture. The project shall be deemed authorized and may be undertaken pursuant to this Act if (1) the Secretary finds and certifies to the President that the project has engineering feasibility and that the water users probably can repay, in accordance with the requirements of section 4, an amount equal to or in excess of that part of the estimated cost allocated by him to irrigation to be met by expenditure of moneys appropriated pursuant to section 12 (1); and (2) the President has approved said report and findings and has found that services, labor, materials, easements, and other property, including money, for the construction of the project, should be made available to the Department of the Interior by the Work Projects Administration or other Federal agencies, to the extent found necessary by the Secretary to make up the difference between the estimated cost of project construction and (i) the part thereof to be met by expenditure of moneys appropriated pursuant to section 12 (1), together with (ii) such services, materials, moneys, easements, and other property as non-Federal agencies or parties have agreed to contribute and the Secretary has found acceptable under section 2.

(b) No actual construction of the physical features of a project, which meets the requirements of subsection (a) shall be undertaken unless and until (1) rights-of-way and other interests in land deemed by the Secretary to be necessary for the construction and operation of the major features of the project works have been secured, with titles or easements and at prices satisfactory to the Secretary; and (2) the Secretary has found (i) that water rights adequate for the purposes of the project have been acquired with titles and at prices satisfactory to him, or have been initiated and can be perfected in conformity with State law and any applicable interstate agreements and in a manner satisfactory to him; and (ii) that such water rights can be utilized for the purposes of the project in conformity with State law and any applicable interstate agreements and in a manner satisfactory to him. (Aug. 28, 1937, 50 Stat. 869; Aug. 11, 1939, 53 Stat.

1418; Oct. 14, 1940, 54 Stat. 1119.)

1084-55. Same; limitations upon use of water.—(a) No water for irrigation may be delivered from the works of any project constructed under the authority of this Act until after the repayment contract or contracts required by this section have been executed. Where

practicable in the judgment of the Secretary, the repayment contract shall be with a water users' organization or organizations satisfactory in form and powers to the Secretary; and otherwise the repayment contract shall be with the individual landowners. The contract or contracts shall contain such provisions as the Secretary deems necessary to carry out the purposes of this Act and to protect the interests of the United States.

(b) The term "reimbursable construction costs" as used in this Act means that part of the costs of investigating, constructing, and operating and maintaining the project, which are allocated by the Secretary to irrigation, and which are met by expenditures of moneys therefor appropriated under the authority of section 12 (1), plus such amounts as the President, under section 2 (1), may determine to be reimbursable: *Provided*, That administrative expenses incurred in the District of Columbia in connection with the investigation, construction, or operation and maintenance of a project shall not be included in the reimbursable construction costs nor shall they be charged to the water users in any way.

(c) The repayment contract or contracts for a project shall, in their aggregate, provide for repayment to the United States of the total amount of the reimbursable construction costs of the project allocated to irrigation. Each such contract shall provide, among

other things, that-

(1) The Secretary shall fix a development period for each project of not to exceed ten years from and including the first calendar year in which water is delivered for the lands in said project; and during the development period water shall be delivered to the lands in the project involved at a charge per acre-foot, or other charge, to be fixed by the Secretary each year and to be paid in advance of delivery of water. Such charges shall be fixed with a view of returning such amounts as in the Secretary's judgment are justified by the rate of project development, including as a minimum the return over the full development period of that part of the cost of operating and maintaining the project, during said period, allocated by the Secretary to irrigation; and collections of such charges in excess of the cost of the operation and maintenance during the development period, as thereafter determined by the Secretary, shall be credited to the reimbursable construction costs of the project in the manner determined by the Secretary.

(2) The United States shall operate and maintain the project during the development period fixed for it. After the development period, the United States shall operate and maintain the project or any part thereof as long as is deemed necessary by the Secretary, and shall be paid in advance for each year that part of the estimated cost of operating and maintaining the project for such year allocated by the Secretary to irrigation. In the event charges due the United States are not paid when due the United States may, at its election,

suspend operations in whole or in part.

(3) The repayment of the reimbursable construction costs, except as to Indian lands which shall be repayable in accordance with existing law relating to Indian lands, shall be spread in not to exceed forty annual installments, of the number and amounts fixed by the Secretary; and the first annual installment under each contract shall

become due and payable on the date fixed by the Secretary, in the year next following the last year of the development period fixed under subsection (c) (1): Provided, That the provisions of this subsection shall not be construed to modify the provisions of special legislation

pertaining to any particular project.

(4) The water users or their organization will take such measures as the Secretary deems proper to secure the adoption of proper accounting, to protect the condition of project works, and to provide for the proper use thereof, and to protect project lands against deterioration due to improper use of water. Delinquencies in any payments due to the United States shall be penalized by a penalty of not less than one-half of 1 per centum per month. No water shall be delivered to or for any land or party while either said land or the organization in which it is located or said party is in arrears in the advance payment of operation and maintenance charges or development period charges under subsection (c) (1), or in arrears for more than twelve months in the payment of an installment of the

reimbursable construction costs.

(5) The Secretary shall establish the size of farm units of irrigable lands on each project in accordance with his findings of the area sufficient in size for the support of a family on the lands to be irrigated. No water may be delivered to or for more than the farm unit area of irrigable lands in the project owned by a single landowner: Provided, That this subsection shall not apply to the United States or any agency or instrumentality thereof, corporate or otherwise. water shall be delivered to or for any land, in a project area, transferred or disposed of subsequent to approval of the project by the President, and within three years from the time water becomes available, unless and until it has been shown to the satisfaction of the Secretary or his duly authorized representative that the land has been transferred or disposed of at a price not exceeding the appraised value as determined by the Secretary or his duly authorized representatives, and upon proof of fraudulent representation as to the true consideration involved the Secretary is authorized to cancel the water right attaching to the land involved: Provided further, That nothing herein shall be construed to create authority to interfere with the delivery of water under prior rights. (Aug. 28, 1937, 50 Stat. 869; Aug. 11, 1939, 53 Stat. 1418; Oct. 14, 1940, 54 Stat. 1119.)

1084-56. Same; settlement of projects to be determined cooperatively between the Secretary of the Interior and the Secretary of Agriculture.—
(a) In connection with the construction or operation and maintenance of projects undertaken pursuant to the authority of this Act, and in order to further in the Great Plains and arid and semiarid areas of the United States an effective rehabilitation program, stabilization of the agricultural economy and maximum utilization of funds spent for relief purposes, the Secretary of Agriculture is hereby authorized, pursuant to cooperative agreement with the Secretary of the Interior, (1) to arrange for the settlement of the projects on a sound agricultural basis, and insofar as practicable, the locations thereon of persons in need; (2) to extend guidance and advice to settlers thereon in matters of farm practice, soil conservation, and efficient land use; (3) to acquire agricultural lands within the boundaries of such projects, with titles and at prices satisfactory

to him; and (4) to arrange for the improvement of lands within the project boundaries, including clearing, leveling, and preparing them for distribution of irrigation water. Contracts between the United States and water users or water users' oganizations for the lease or purchase of, or the improvemet of, lands within such projects shall provide for annual or semiannual payments to the United States, of the number and amounts fixed by the Secretary of Agriculture. The lease, purchase, or improvement contracts for each tract of land shall provide in the aggregate for the return, in not to exceed fifty years from the date the land is first settled upon, of the costs incurred by the United States in acquiring and improving such tract of land with funds appropriated under authority of section 12 (2), except administrative expenses incurred in the District of Columbia, together with interest on unpaid balances of said costs at not less than 3 per centum per annum. Such lease, purchase, or improvement contracts shall also provide for the fulfillment of such obligations related to reimbursable construction costs and operation and maintenance charges as may be applicable to such lands in accordance with the repayment contract or contracts required by section 4.

(b) For the purposes of this section, the Secretary of Agriculture may utilize (1) in such manner as the President may direct, services, labor, materials, or other property, including money, supplied by the Work Projects Administration, the Civilian Conservation Corps. the Office of Indian Affairs, the Department of Agriculture, or any other Federal agency to the extent that the President, upon the report and recommendations of the Secretary of Agriculture, finds that the same should be supplied in assistance of such improvement work, and for which the United States shall be reimbursed in such amounts as the President may fix for each project; and (2) such services, labor, materials, easements, or other property, including money, as may be contributed by any State or political subdivision thereof, State agnecy, municipal corporation, or other organization, or individuals. Moneys received and accepted under (2) of this subsection shall remain available for expenditure for the purposes for which contributed in like manner as if said sums had been specifically appropriated for said purposes. (Aug. 28, 1937, 50 Stat. 869; Aug.

11, 1939, 53 Stat. 1418; Oct. 14, 1940, 54 Stat. 1119.)

1084-57. Same; Department of Agriculture authorized to cooperate in investigation and surveys of projects, and in administration of agreements.—The Secretary, by cooperative agreements, may arrange with the Department of Agriculture or with such other Federal or State agencies, as the President may deem desirable, for cooperation in the investigations and surveys of projects proposed under the authority of this Act; and in connection with any such project which is undertaken the Secretary by such cooperative agreements may arrange for such cooperation in the construction or operation and maintenance of the project as he deems desirable. Any such cooperative agreement with the Department of Agriculture may provide, among other things (1) that the Secretary of Agriculture shall enter into the repayment contracts, required by section 4, and shall handle the collections of repayments and shall take over the other administrative duties connected with the project, after the Secretary of the

Interior announces that the project is ready for operation; (2) if such agreement be entered into after construction of the project has been undertaken by the Secretary of the Interior and after he has entered into the repayment contracts required by section 4, that the Secretary of Agriculture shall take over the collection of repayments and other administrative duties connected with the project; (3) that no water shall be delivered to or for any land or party while the owner of said land or said party is in arrears for more than twelve months in the payment to the United States of money due and payable under a land contract entered into pursuant to section 5 (a); and (4) that any repayment contract with a water user or water users' organization entered into pursuant to section 4 and any land contract with the same water user or organization entered into pursuant to section 5 (a), if said contracts involve the same land, may be combined in a single instrument. The Secretary of Agriculture is hereby authorized to carry out the provision of any such cooperative agreements. (Oct. 14, 1940; sec. 6, Public, No. 848, 76th Cong.)

1084-58. Same; correlation with water facilities act.—On any one project undertaken pursuant to the Act of August 28, 1937, entitled "An Act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes" (50 Stat. 869), as amended and supplemented, expenditures for the construction, maintenance, operation, rehabilitation, or financial assistance of any one project, shall not exceed \$50,000 of Federal funds, whether appropriated or allotted or both. All project facilities and appurtenances which depend for their utility in whole or in part upon each other or upon any common facility shall be deemed one project within the meaning of this section. (Aug. 28, 1937, 50 Stat. 869; Aug. 11.

1939, 53 Stat. 1418; Oct. 14, 1940, 54 Stat. 1119.)

1034-59. Same; disposal of receipts under repayment contracts.—All payments made to the United States under repayment contracts on account of reimbursable construction costs, including penalties collected for delinquencies in such payments, and all other receipts from project operations pursuant to sections 4 and 9 shall be covered into the Treasury to the credit of miscellaneous receipts. Charges collected during the development period of a project under section 4 (c) (1), excepting such amounts thereof as may be credited to reimbursable construction costs, and charges collected for the operation and maintenance of a project under section 4 (c) (2) shall be available for expenditure for operation and maintenance of said project in like manner as if said funds had been specifically appropriated for said purposes. (Aug. 28, 1937, 50 Stat. 869; Aug. 11, 1939, 53 Stat. 1418; Oct. 14, 1940, 54 Stat. 1119.)

1084-60. Same; authorization for furnishing miscellaneous water supply and power.—In connection with any project undertaken pursuant to this Act, provisions, including contracts of sale, may be made for furnishing municipal or miscellaneous water supplies, or for developing and furnishing power in addition to the power requirements of irrigation: *Provided*, That expenditures from appropriations made directly pursuant to the authority contained in section 12 (1) to meet costs allocated to municipal or miscellaneous water supplies or surplus power shall not exceed \$500,000 for any one project: *Pro-*

vided further, That no contract relating to a water supply for municipal or miscellaneous purposes or to electric power shall be made unless, in the judgment of the Secretary, it will not impair the efficiency of the project for irrigation purposes. On any project where such provisions are made, the Secretary shall allocate to municipal or miscellaneous water purposes or to surplus power the part of the estimated construction costs of the project which he deems properly so allocable; and such allocations shall not be included in the reimbursable construction costs covered by the repayment contract or contracts required under section 4. All right, title, and interest in the facilities provided for such municipal or miscellaneous water supplies or surplus power and the revenues derived therefrom shall be and remain in the United States. Contracts for such municipal or miscellaneous water supplies or for such surplus power shall be at such rates as, in the Secretary's judgment, will produce revenues at least sufficient to cover the appropriate share of the annual operation and maintenance cost of the project and such fixed charges, including interest, as the Secretary deems proper. Contracts for the sale of surplus power shall be for periods not to exceed forty years and contracts for water supply for municipal or miscellaneous purposes shall be for such periods as the Secretary may determine and may include such renewal options as the Secretary deems desirable: And provided further, That in sales or leases of such power. preference shall be given to municipalities and other public corporations or agencies; and also to cooperatives and other nonprofit organizations financed in whole or in part by loans made pursuant to the Rural Electrification Act of 1936 and any amendments thereof. (Aug. 28, 1937, 50 Stat. 869; Aug. 11, 1939, 53 Stat. 1418; Oct. 14, 1940,

1084-61. Same; application of Act to Federal lands and relation to reclamation laws.—(a) In connection with any project constructed pursuant to the provisions of this Act, the Secretary shall have the same authority, with regard to the utilization of lands owned by the United States, other than lands acquired under section 5 as he has in connection with projects undertaken pursuant to the Federal reclamation laws, Act of June 17, 1902 (32 Stat. 388), and Acts amenda-

tory thereof or supplementary thereto.

(b) In connection with the construction or operation and maintenance of a project undertaken pursuant to the authority of this Act, the Secretary shall have with respect to construction and supply contracts, and with respect to the acquisition, exchange, and disposition of lands, interest in lands, water rights, and other property and the relocation thereof, the same authority, including authority to acquire lands and interests in land and water rights with titles and at prices satisfactory to him, which he has in connection with projects, under the Federal reclamation laws. (Aug. 28, 1937, 50 Stat. 869; Aug. 11, 1939, 53 Stat. 1418; Oct. 14, 1940, 54 Stat. 1119.)

1084-62. Same: Secretary of Agriculture and Secretary of the Interior authorized to make regulations under the act.—The Secretary of the Interior and the Secretary of Agriculture are hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying out their respective functions under this Act and for the purpose of carrying the provisions of this Act into full force and effect. (Aug. 28, 1937, 50) Stat. 869; Aug. 11, 1939, 53 Stat. 1418; Oct. 14, 1940, 54 Stat. 1119.)

1084-63. Same; appropriation authorization.—To carry out the purposes of this Act there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated (1) for the Department of the Interior such sums as may be necessary to carry out its functions under this Act, and (2) for the Department of Agriculture such sums as may be necessary to carry out its functions under this Act. (Aug. 28, 1937, 50 Stat. 869; Aug. 11, 1939.

53 Stat. 1418; Oct. 14, 1940, 54 Stat. 1119.) 1084-64. Secretary of Agriculture authorized to dispose of fire protection and rehabilitating equipment.—That upon completion or discontinuance of the Federal Government's work in rehabilitating and reestablishing forest-protection improvements and in the reduction of forest-fire hazards in the various towns or other political subdivisions of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut under appropriation for New England hurricane damage in the First Deficiency Appropriation Act, fiscal year 1939, and Acts amendatory thereof and supplementary thereto, the Secretary of Agriculture be, and he is hereby, authorized to transfer to the respective States so much of the fire protection and improvement tools and equipment, purchased from said appropriation for said work for use in the respective States, as in his judgment may be needed for continuance of said work and forest-fire protection by said States. (Nov. 25, 1940, 54 Stat. 1210.)

CRIMINAL CODE AND CRIMINAL PROCEDURE

OFFENSES AGAINST EXISTENCE OF GOVERNMENT

1220-1. Subversive activities prohibited.—(a) It shall be unlawful for any person—

(1) to knowingly or willfully advocate, abet, advise, or teach the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence, or by the assassination of any officer of any such government.

(2) with the intent to cause the overthrow or destruction of any government in the United States, to print, publish, edit, issue, circulate, sell, distribute, or publicly display any written or printed matter advocating, advising, or teaching the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence;

(3) to organize or help to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any government in the United States by force or violence; or to be or become a member of, or affiliate with, any such society, group, or assembly of persons, knowing the purposes thereof.

(b) For the purposes of this section, the term "government in the United States" means the Government of the United States, the government of any State, Territory, or possession of the United States, the government of the District of Columbia, or the government of any political subdivision of any of them. (June 28, 1940, Sec. 2, 54 Stat. 671.)

1220-2. Same; attempts or conspiracies unlawful.—It shall be unlawful for any person to attempt to commit, or to conspire to commit, any of the acts prohibited by the provisions of this title. (June 28,

1940, Sec. 3, 54 Stat. 671.)

1220-3. Same; seizure of printed matter.—Any written or printed matter of the character described in section 1 or section 2 of this Act, which is intended for use in violation of this Act, may be taken from any house or other place in which it may be found, or from any person in whose possession it may be, under a search warrant issued pursuant to the provisions of title XI of the Act entitled "An Act to punish acts of interference with the foreign relations, the neutrality and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917 (40 Stat. 228; U. S. C.; title 18, ch. 18). (June 28, 1940, Sec. 4, 54 Stat. 671.)

1220-4. Same; penalties and fines.—(a) Any person who violates any of the provisions of this title shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned for not more than ten years,

(b) No person convicted of violating any of the provisions of this title shall, during the five years next following his conviction, be eligible for employment by the United States, or by any department or agency thereof (including any corporation the stock of which is wholly owned by the United States). (June 28, 1940, Sec. 5, 54 Stat. 671.)

OFFENSES AGAINST ELECTIVE FRANCHISE AND CIVIL RIGHTS OF CITIZENS

1221-1. Intimidation and coercion of voters in elections of certain officers.—That it shall be unlawful for any person to intimidate, threaten, or coerce, or to attempt to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives at any election held solely or in part for the purpose of selecting a President, a Vice President, a Presidential elector, or any Member of the Senate or any Member of the House of Representatives, Delegates or Commissioners from the Territories and insular possessions. (Aug. 2, 1939, sec. 1, 53 Stat. 1147; 18 U. S. C., sec. 61.)

1221-2. Administrative employees, use of official authority.—It shall be unlawful for (1) any person employed in any administrative position by the United States, or by any department, independent agency, or other agency of the United States (including any corporation controlled by the United States or any agency thereof, and any corporation all of the capital stock of which is owned by the United States or any agency thereof), or (2) any person employed in any administrative position by any State, by any political subdivision or municipality of any State, or by any agency of any State or any of its political subdivisions or municipalities (including any corporation controlled by

any State or by any such political subdivision, municipality, or agency, and any corporation all of the capital stock of which is owned by any State or by any such political subdivision, municipality, or agency), in connection with any activity which is financed in whole or in part by loans or grants made by the United States, or by any such department, independent agency, or other agency of the United States, to use his official authority for the purpose of interfering with, or affecting, the election or the nomination of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Resident Commissioner from any Territory or insular possession. (Aug. 2, 1939, sec. 2, 53 Stat. 1147; July 19, 1940, sec. 1, 54 Stat. 767; 18 U. S. C., sec. 61a.)

1221-3. Political activity; promise of employment, compensation or other benefit.—It shall be unlawful for any person, directly or indirectly, to promise any employment, position, work, compensation, or other benefit, provided for or made possible in whole or in part by any Act of Congress, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in any election. (Aug. 2, 1939, sec. 3, 53 Stat.

1147; 18 U.S.C., sec. 61b.)

1221-4. Same; deprivation of employment, compensation or other benefit.—Except as may be required by the provisions of subsection (b), section 9 of this Act, it shall be unlawful for any person to deprive, attempt to deprive, or threaten to deprive, by any means, any person of any employment, position, work, compensation, or other benefit provided for or made possible by any Act of Congress appropriating funds for work relief or relief purposes, on account of race, creed, color, or any political activity, support of, or opposition to any candidate or any political party in any election. (Aug. 2, 1939, sec. 4, 53 Stat. 1147; 18 U. S. C., sec. 61c.

1221-5. Assessments; contributions; solicitation from benefit recipients.—It shall be unlawful for any person to solicit or receive or be in any manner concerned in soliciting or receiving any assessment, political subscription, or contribution for any purpose whatever from any person known by him to be entitled to or receiving compensation, employment, or other benefit provided for or made possible by any Act of Congress appropriating funds for work relief or relief purposes. (Aug. 2, 1939, sec. 5, 53 Stat. 1148; 18 U. S. C., sec. 61d.)

1221-6. List of benefit recipients; furnishing.—It shall be unlawful for any person for political purposes to furnish or to disclose, or to aid or assist in furnishing or disclosing, any list or names of persons receiving compensation, employment, or benefits provided for or made possible by any Act of Congress appropriating, or authorizing the appropriation of, funds for work relief or relief purposes, to a political candidate, committee, campaign manager, or to any person for delivery to a political candidate, committee, or campaign manager, and it shall be unlawful for any person to receive any such list or names for political purposes. (Aug. 2, 1939, sec. 6, 53 Stat. 1148; 18 U. S. C., sec. 61e.)

1221-7. Appropriations, official authority; use in coercing voters.—No part of any appropriation made by any Act, heretofore or hereafter enacted, making appropriations for work relief, relief, or otherwise to

increase employment by providing loans and grants for public-works projects, shall be used for the purpose of, and no authority conferred by any such Act upon any person shall be exercised or administered for the purpose of, interfering with, restraining, or coercing any individual in the exercise of his right to vote at any election. (Aug. 2, 1939, sec. 7, 53 Stat. 1148; 18 U. S. C., sec. 61f.)

1221-8. Penalties.—Any person who violates any of the foregoing provisions of this Act upon conviction thereof shall be fined not more than \$1,000 or imprisoned for not more than one year, or both. (Aug.

2, 1939, sec. 8, 53 Stat. 1148; 18 U. S. C., sec. 61g.)

1221-9. Executive employees; use of official authority; political activity; penalties.—(a) It shall be unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. No officer or employee in the executive branch of the Federal Government, or any agency or department thereof, shall take any active part in political management or in political campaigns. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates. For the purposes of this section the term "officer" or "employee" shall not be construed to include (1) the President and Vice President of the United States: (2) persons whose compensation is paid from the appropriation for the office of the President; (3) heads and assistant heads of executive departments; (4) officers who are appointed by the President, by and with the advice and consent of the Senate, and who determine policies to be pursued by the United States in its relations with foreign powers or in the Nation-wide administration of Federal laws.

(b) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any Act of Congress for such position or office shall be used to pay the compensation of such person. (Aug. 2, 1939, sec. 9, 53 Stat. 1148; July 19, 1940, sec. 2,

54 Stat. 767; 18 U.S.C., sec. 61h.)

1221-10. Federal employees; membership in political parties; penalties.—(1) It shall be unlawful for any person employed in any capacity by any agency of the Federal Government, whose compensation, or any part thereof, is paid from funds authorized or appropriated by any Act of Congress, to have membership in any political party or organization which advocates the overthrow of our constitutional form of government in the United States.

(2) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any Act of Congress for such position or office shall be used to pay the compensation of such person. (Aug. 2, 1939, sec. 9A, 53 Stat. 1148: 18 U. S. C., sec, 61i.)

1221-11. Effect on existing law.—The provisions of this Act shall be in addition to and not in substitution for, any other provision of law. (Aug. 2, 1939, sec. 10, 53 Stat. 1149; July 19, 1940, sec. 3, 54 Stat. 767; 18 U. S. C., sec. 61j.)

1221-12. Separability clause.—If any provision of this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of the Act, and the application of such provi-

sion to other persons or circumstances, shall not be affected thereby.

(Aug. 2, 1939, sec. 11, 53 Stat. 1149; 18 U. S. C., sec. 61k.)

1221-13. Prohibited political activity of State or local employees whose principal employment is in connection with activity receiving Federal loans and grants.—(a) No officer or employee of any State or local agency whose principal employment is in connection with any activity which is financed in whole or in part by loans or grants made by the United States or by any Federal agency shall (1) use his official authority or influence for the purpose of interfering with an election or a nomination for office, or affecting the result thereof, or (2) directly or indirectly coerce, attempt to coerce, command, or advise any other such officer or employee to pay, lend, or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes. No such officer or employee shall take any active part in political management or in political campaigns. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates. For the purposes of the second sentence of this subsection, the term "officer or employee" shall not be construed to include (1) the Governor or the Lieutenant Governor of any State or any person who is authorized by law to act as Governor, or the mayor of any city; (2) duly elected heads of executive departments of any State or municipality who are not classified under a State or municipal merit or civil-service system; (3) officers holding

(b) If any Federal agency charged with the duty of making any loan or grant of funds of the United States for use in any activity by any officer or employee to whom the provisions of subsection (a) are applicable has reason to believe that any such officer or employee has violated the provisions of such subsection, it shall make a report with respect thereto to the United States Civil Service Commission (hereinafter referred to as the "Commission"). Upon the receipt of any such report, or upon the receipt of any other information which seems to the Commission to warrant an investigation, the Commission shall fix a time and place for a hearing, and shall by registered mail send to the officer or employee charged with the violation and to the State or local agency employing such officer or employee a notice setting forth a summary of the alleged violation and the time and place of such hearing. At such hearing (which shall be not earlier than ten days after the mailing of such notice) either the officer or employee or the State or local agency, or both, may appear with counsel and be heard. After such hearing, the Commission shall determine whether any violation of such subsection has occurred and whether such violation, if any, warrants the removal of the officer or employee by whom it was committed from his office or employment, and shall by registered mail notify such officer or employee and the appropriate State or local agency of such determination. If in any case the Commission finds that such officer or employee has not been removed from his office or employment within thirty days after notice of a determination by the Commission that such violation warrants his removal, or that he has been so removed and has subsequently (within a period of eighteen months) been appointed to any office or employment in any State or local agency in such State, the Commission shall make and certify

to the appropriate Federal agency an order requiring it to withhold from its loans or grants to the State or local agency to which such notification was given an amount equal to two years' compensation at the rate such officer or employee was receiving at the time of such violation; except that in any case of such a subsequent appointment to a position in another State or local agency which receives loans or grants from any Federal agency, such order shall require the withholding of such amount from such other State or local agency: Provided, That in no event shall the Commissioner require any amount to be withheld from any loan or grant pledged by a State or local agency as security for its bonds or notes if the withholding of such amount would jeopardize the payment of the principal or interest on such bonds or notes. Notice of any such order shal be sent by registered mail to the State or local agency from which such amount is ordered to be withheld. The Federal agency to which such order is certified shall, after such order becomes final, withhold such amount in accordance with the terms of such order. Except as provided in subsection (c), any determination or order of the Commission shall become final upon the expiration of thirty days after the mailing

of notice of such determination or order.

(c) Any party aggrieved by any determination or order of the Commission under subsection (b) may, within thirty days after the mailing of notice of such determination or order, institute proceedings for the review thereof by filing a written petition in the district court of the United States for the district in which such officer or employee resides; but the commencement of such proceeding shall not operate as a stay of such determination or order unless (1) it is specifically so ordered by the court, and (2) such officer or employee is suspended from his office or employment during the pendency of such proceedings. A copy of such petition shall forthwith be served upon the Commission, and thereupon the Commission shall certify and file in the court a transcript of the record upon which the determination or the order complained of was made. The review by the court shall be on the record entire, including all of the evidence taken on the hearing, and shall extend to questions of fact and questions of law. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence may materially affect the result of the proceedings and that there were reasonable grounds for failure to adduce such evidence in the hearing before the Commission, the court may direct such additional evidence to be taken before the Commission in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings of fact or its determination or order by reason of the additional evidence so taken and shall file with the court such modified findings, determination, or order, and any such modified findings of fact, if supported by substantial evidence, shall be conclusive. The court shall affirm the Commission's determination or order, or its modified determination or order, if the court determines that the same is in accordance with law. If the court determines that any such determination or order, or modified determination or order, is not in accordance with law, the court shall remand the proceeding to the Commission with directions either to

make such determination or order as the court shall determine to be in accordance with law or to take such further proceedings as, in the opinion of the court, the law requires. The judgment and decree of the court shall be final, subject to review by the appropriate circuit court of appeals as in other cases, and the judgment and decree of such circuit court of appeals shall be final, subject to review by the Supreme Court of the United States on certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., 1934 edition, title 28, secs. 346 and 347). If any provision of this subsection is held to be invalid as applied to any party with respect to any determination or order of the Commission, such determination or order shall thereupon become final and effective as to such party in the same manner as if such provision had not been enacted.

(d) The Commission is authorized to adopt such reasonable procedure and rules and regulations as it deems necessary to execute its functions under this section. The Civil Service Commission shall have power to require by subpena the attendance and testimony of witnesses and the production of all documentary evidence relating to any matter pending, as a result of this Act, before the Commission. Any member of the Commission may sign subpenas, and members of the Commission and its examiners when authorized by the Commission may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. In case of disobedience to a subpena, the Commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpena issued to any person, issue an order requiring such person to appear before the Commission, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court my be punished by such court as a contempt thereof. The Commission may order testimony to be taken by deposition in any proceeding or investigation, which as a result of this Act, is pending before the Commission at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence before the Commission as hereinbefore provided. No person shall be excused from attending and testifying or from producing documentary evidence or in obedience to a subpena on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify, or produce evidence, documentary or otherwise, before the Commission in obedience to a subpena issued by it: Provided, That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so

testifying.

(e) The provisions of the first two sentences of subsection (a) of this section shall not apply to any officer or employee who exercises no functions in connection with any activity of a State or local agency which is financed in whole or in part by loans or grants made by the United States or by any Federal agency.

(f) For the purposes of this section—

(1) The term "State or local agency" means the executive branch of any State, or of any municipality or other political subdivision

of such State, or any agency or department thereof.

(2) The term "Federal agency" includes any executive department, independent establishment, or other agency of the United States (except a member bank of the Federal Reserve System). (Aug. 2, 1939, 53 Stat. 1147; sec. 12, as added by act of July 19, 1940, sec. 4,

54 Stat. 767.)

1221-14. Campaign contributions in excess of \$5,000 declared to be a political activity.—(a) It is hereby declared to be a pernicious political activity, and it shall hereafter be unlawful, for any person, directly or indirectly, to make contributions in an aggregate amount in excess of \$5,000, during any calendar year, or in connection with any campaign for nomination or election, to or on behalf of any candidate for an elective Federal office (including the offices of President of the United States and Presidential and Vice Presidential electors), or to or on behalf of any committee or other organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party. This subsection shall not apply to contributions made to or by a State or local committee or other State or local organization.

(b) For the purposes of this section—

(1) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

(2) The term "contribution" includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable,

to make a contribution.

(c) It is further declared to be a pernicious political activity, and it shall hereafter be unlwaful for any person, individual, partnership, committee, association, corporation, and any other organization or group of persons to purchase or buy any goods commodities advertising, or articles of any kind or description where the proceeds of such a purchase, or any portion thereof, shall directly or indirectly inure to the benefit of or for any candidate for an elective Federal office (including the offices of President of the United States, and Presidential and Vice Presidential electors) or any political committee or other political organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party: *Provided*, That nothing in this sentence shall be construed to interfere with the usual and known business, trade, or profession of any candidate.

(d) Any person who engages in a pernicious political activity in violation of any provision of this section, shall upon conviction thereof be fined not more than \$5,000 or imprisoned for not more than five years. In all cases of violations of this section by a partnership, committee, association, corporation, or other organization or group of persons, the officers, directors, or managing heads thereof who knowingly and willfully participate in such violation, shall be subject to punishment as herein provided.

(e) Nothing in this section shall be construed to permit the making of any contribution which is prohibited by any provision of law in force on the date this section takes effect. Nothing in this Act shall be construed to alter or amend any provisions of the Federal Corrupt Practices Act of 1925, or any amendments thereto. (Aug. 2, 1939, 53 Stat. 1147; sec. 13, as added by act of July 19, 1940, sec. 4, 54 Stat. 767.)

1221-15. District of Columbia employees included in scope of act.—For the purposes of this Act, persons employed in the government of the District of Columbia shall be deemed to be employed in the executive branch of the Government of the United States, except that for the purposes of the second sentence of section 9 (a) the Commissioners and the Recorder of Deeds of the District of Columbia shall not be deemed to be officers or employees. (Aug. 2, 1939, 53 Stat. 1147; sec.

14, as added by act of July 19, 1940, sec. 4, 54 Stat. 767.)

1221-16. Existing civil service regulations regarding political activity given effect of law.—The provisions of this Act which prohibit persons to whom such provisions apply from taking any active part in political management or in political campaigns shall be deemed to prohibit the same activities on the part of such persons as the United States Civil Service Commission has heretofore determined are at the time this section takes effect prohibited on the part of employees in the classified civil service of the United States by the provisions of the civil-service rules prohibiting such employees from taking any active part in political management or in political campaigns. (Aug. 2, 1939, 53 Stat. 1147; sec. 15, as added by act of July 19, 1940, sec.

4, 54 Stat. 767.)

1221-17. Civil Service Commission authorized to permit political activity in areas adjacent to National Capital.—Whenever the United States Civil Service Commission determines that, by reason of special or unusual circumstances which exist in any municipality or other political subdivision, in the immediate vicinity of the National Capital in the States of Maryland and Virginia or in municipalities the majority of whose voters are employed by the Government of the United States, it is in the domestic interest of persons to whom the provisions of this Act are applicable, and who reside in such municipality or political subdivision, to permit such persons to take an active part in political management or in political campaigns involving such municipality or political subdivision, the Commission is authorized to promulgate regulations permitting such persons to take an active part in such political management and political campaigns to the extent the Commission deems to be in the domestic interest of such persons. 2, 1939, 53 Stat. 1147; sec. 16, as added by act of July 19, 1940, sec. 4, 54 Stat. 767.)

1221-18. Savings clause for State and local officers and employees .--Nothing in the second sentence of section 12 (a) of this Act shall be construed to prevent or prohibit any officer or employee of a State or local agency (as defined in section 12 (f) from continuing, until the election in connection with which he was nominated, to be a bona fide candidate for election to any public office and from engaging in any political activity in furtherance of his candidacy for such public office, if (1) he was nominated before the date of the enactment of this Act, and (2) upon his election to such public office he resigns from the office or employment in which he was employed prior to his election, in a State or local agency (as defined in section 12 (f)). (Aug. 2, 1939, 53 Stat. 1147; sec. 17, as added by act of July 19, 1940, sec. 4, 54 Stat. 767.)

1221-19. Permissible activity.-Nothing in the second sentence of section 9 (a) or in the second sentence of section 12 (a) of this Act shall be construed to prevent or prohibit any person subject to the provisions of this Act from engaging in any political activity (1) in connection with any election and the preceding campaign if none of the candidates is to be nominated or elected at such election as representing a party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected, or (2) in connection with any question which is not specifically identified with any National or State political party. For the purposes of this section, questions relating to constitutional amendments, referendums, approval of municipal ordinances, and others of a similar character, shall not be deemed to be specifically identified with any National or State political party. (Aug. 2, 1939, 53 Stat. 1147; sec. 18, as added by act of July 19, 1940, sec. 4, 54 Stat. 767.)

1221-20. Definition of State.—As used in this Act, the term "State" means any State, Territory, or possession of the United States. (Aug. 2, 1939, 53 Stat. 1147; sec. 19, as added by act of July 19,

1940, sec. 4, 54 Stat. 767.)

1221-21. Limitation on contributions and expenditures of political committee.—No political committee shall receive contributions aggregating more than \$3,000,000, or make expenditures aggregating more than \$3,000,000, during any calendar year. For the purposes of this section, any contributions received and any expenditures made on behalf of any political committee with the knowledge and consent of the chairman or treasurer of such committee shall be deemed to be received or made by such committee. Any violation of this section by any political committee shall be deemed also to be a violation of this section by the chairman and the treasurer of such committee and by any other person responsible for such violation. Terms used in this section shall have the meaning assigned to them in section 302 of the Federal Corrupt Practices Act, 1925, and the penalties provided in such Act shall apply to violations of this section. (Aug. 2, 1939, 53 Stat. 1147; sec. 20, as added by act of July 19, 1940, sec. 6, 54 Stat. 772.)

OFFENSES AGAINST OPERATIONS OF GOVERNMENT

1226a. Falsely pretending to be United States Officer.—Whoever, with intent to defraud either the United States or any person, shall falsely

assume or pretend to be an officer or employee acting under the authority of the United States, or any department, or any officer of the Government thereof, or under the authority of any corporation owned or controlled by the United States, and shall take upon himself to act as such, or shall in such pretended character demand or obtain from any person or from the United States, or any department, or any officer of the Government thereof, or any corporation owned or controlled by the United States, any money, paper, document, or other valuable thing, shall be fined not more than \$1,000 or imprisoned not more than three years, or both. (Mar. 4, 1909, sec. 32, 35 Stat. 1095; Feb. 28, 1938, 52 Stat. 83; 18 U. S. C., sec. 76.)

1227. Prohibition of reproduction of official badges, identification cards, and other insignia.—That hereafter the manufacture, sale, or possession of any badge, identification card, or other insignia, of the design prescribed by the head of any department or independent office of the United States for use by any officer or subordinate thereof, or of any colorable imitation thereof, or the photographing, printing, or in any other manner making or executing any engraving, photograph, print, or impression in the likeness of any such badge, identification card, or other insignia, or of any colorable imitation thereof, is prohibited, except when and as authorized under such regulations as may be prescribed by the head of the department or independent office of which such insignia indicates the wearer is an officer or subordinate. (June 29, 1932, 47 Stat. 342; as amended May 22, 1939, 53 Stat. 752; 18 U. S. C., sec. 76a.)

1231. To amend section 35 of the Criminal Code, as amended, relating to purloining, stealing, or injuring property of the United States.—(A) Whoever shall make or cause to be made or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, any claim upon or against the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, knowing such claim to be false, fictitious, or fraudulent; or whoever shall knowingly or willfully falisify or conceal or cover up by any trick, scheme, or device a material fact, or make or cause to be made any false or fraudulent statements or representations, or make or use or cause to be made or used any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry in any matter within the jurisdiction of any department or agency of the United States or of any corporation in which the United States of America is a stockholder; or whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim; and whoever, having charge, possession, custody, or control of any money or other public property used or to be used in the military or naval service, with intent to defraud the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, or willfully to conceal such money or other

property, shall deliver or cause to be delivered to any person having authority to receive the same any amount of such money or other property less than that for which he received a certificate or took a receipt; or whoever, being authorized to make or deliver any certificate, voucher, receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other property so used or to be used, shall make or deliver the same to any other person without a full knowledge of the truth of the facts stated therein and with intent to defraud the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, shall be fined not more than \$10,000 or imprisoned not more than ten years.

Penalties.—(C) And whoever shall take and carry away or take for his use, or for the use of another, with intent to steal or purloin, or shall willfully injure or commit any depredation against, any property of the United States, or any branch or department thereof, or any corporation in which the United States of America is a stockholder, or any property which has been or is being made, manufactured, or constructed under contract for the War or Navy Departments of the United States, shall be punished as follows: If the value of such property exceeds the sum of \$50, by a fine of not more than \$10,000 or imprisonment for not more than ten years, or both; if the value of such property does not exceed the sum of \$50, by a fine of not more than \$1,000 or by imprisonment in a jail for not more than one year, or both. Value, as used in this section, shall mean market value or cost price, either wholesale or retail, whichever shall be the greater. (May 30, 1908, 35 Stat. 555; Mar. 4, 1909, sec. 35, 35 Stat. 1095; Oct. 23, 1918, 40 Stat. 1015; June 18, 1934, 48 Stat. 996; Apr. 4, 1938, 52 Stat. 197; 18 U. S. C., secs. 80 note, 82 and 83 to 86 notes.)

1254. Hunting or taking eggs on bird breeding grounds.—[Functions of Secretary of Agriculture relating to conservation of wildlife, game, and migratory birds were transferred to Secretary of Interior by Reorganization Plan No. II, sec. 4 (f) effective July 1, 1939, set out in paragraph 115-31 of this volume.] (June 28, 1906, 34 Stat. 537; Mar. 4, 1909, sec. 84, 35 Stat. 1104; Apr. 15, 1924, 43 Stat. 98; 18 U. S. C.,

sec. 145 note.)

1260-1. Falsely pretending to be member or agent of 4-H clubs; fraudulent use of insignia or emblems.—That it shall be unlawful for any person falsely and with intent to defraud to hold himself out as or represent or pretend himself to be a member of, associated with, or an agent or representative for the 4-H clubs, an organization established by the Extension Service of the United States Department of Agriculture and the land grant colleges, for any purpose whatsoever; or for any person with intent to defraud to wear or display the sign or emblem of said 4-H clubs or any insignia in colorable imitation thereof for the purpose of inducing the belief that he is a member of, associated with, or an agent or representative for said 4-H clubs. It shall be unlawful for any person other than said 4-H clubs and those duly authorized by them, the representatives of the United States Department of Agriculture, the land grant colleges, and persons authorized by the Secretary of Agriculture, to use within the territory of the United States of America and its exterior possessions, for the purpose of trade or as an advertisement to induce

the sale of any article whatsoever or for any business or charitable purpose, the recognized emblem of said 4-H clubs, consisting of a green four-leaf clover with stem and the letter H in white or gold on each leaflet, or any sign, insignia, or symbol in colorable imitation thereof, or the words "4-H Club" or "4-H Clubs" or any combination of these or other words or characters in colorable imitation thereof. If any person violates any provision of this Act, he shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$300 or imprisoned not more than six months, or both, for each and every offense. (June 5, 1939, sec. 1, 53 Stat. 809; 18 U. S. C., sec. 76c.)

1260-2. Same; "person" defined.—The term "person" includes individuals partnerships, corporations, and associations. (June 5, 1939,

sec. 2, 53 Stat. 809; 18 U. S. C., sec. 76d.)

1260-3. Impersonating officer, agent, or employee of the United States and making arrest or search.—Any officer, agent, or employee of the United States engaged in the enforcement of any law of the United States who shall search any private dwelling used and occupied as such dwelling without a warrant directing such search, or who, while engaged in such enforcement, shall without a search warrant maliciously and without reasonable cause search any other building or property, shall be guilty of a misdemeanor and upon conviction thereof shall be fined for a first offense not more than \$1,000, and for a subsequent offense not more than \$1,000, or imprisoned not more than one year, or both such fine and imprisonment: Provided, That nothing herein contained shall apply to any officer, agent, or employee of the United States serving a warrant of arrest, or arresting or attempting to arrest any person committing or attempting to commit an offense in the presence of such officer, agent, or employee, or who has committed, or who is suspected on reasonable grounds of having committed, a felony.

Whoever not being an officer, agent, or employee of the United States shall falsely represent himself to be such officer, agent, or employee, and in such assumed character shall arrest or detain any person or shall in any manner search the person, buildings, or other property of any person, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$1,000 or imprisoned for not more than one year, or by both such fine and imprisonment. (Aug. 27, 1935, Title II, sec. 201, 49

Stat. 877; 18 U. S. C., sec. 77a.)

OFFENSES AGAINST PUBLIC JUSTICE

1299-1. Killing Federal officer; penalty.—That whoever shall kill, as defined in sections 273 and 274 of the Criminal Code, any United States Marshal or deputy of the United States marshal or person employed to assist a United States marshal or deputy United States marshal, any officer or employee of the Federal Bureau of Investigation of the Department of Justice, post-office inspector, Secret Service operative, any officer or enlisted man of the Coast Guard, any employee of any United States penal or correctional institution, any officer, employee, agent, or other person in the service of the customs or of the internal revenue, any immigrant inspector or any

immigration patrol inspector, any officer or employee of the Department of Agriculture or of the Department of the Interior designated by the Secretary of Agriculture or the Secretary of the Interior to enforce any Act of Congress for the protection, preservation, or restoration of game and other wild birds and animals, any officer or employee of the National Park Service, any officer or employee of, or assigned to duty in, the field service of the Division of Grazing of the Department of the Interior, or any officer or employee of the Indian field service of the United States, while engaged in the performance of his official duties, or on account of the performance of his official duties, shall be punished as provided under section 275 of the Criminal Code. (May 18, 1934, 48 Stat. 780, as amended Feb. 8, 1936, 49 Stat. 1105; June 26, 1936, Title V, sec. 3, 49 Stat. 1940; June 13, 1940, 54 Stat. 391; 18 U. S. C., sec. 253.)

OFFENSES AGAINST FOREIGN AND INTERSTATE COMMERCE

1303. Importing injurious birds and animals; permits for foreign wild animals; specimens for museums.—[Functions of Secretary of Agriculture relating to conservation of wildlife, game, and migratory birds were transferred to Secretary of Interior by Reorganization Plan No. II, sec. 4(f) effective July 1, 1939, set out in paragraph 115–31 of this volume.] (Mar. 4, 1909, sec. 241, 35 Stat. 1137; 18 U. S. C., sec. 391 note.)

1307. Arrests and execution of search warrants; forfeiture of animals or birds unlawfully possessed.—[Functions of Secretary of Agriculture relating to conservation of wildlife, game, and migratory birds were transferred to Secretary of Interior by Reorganization Plan No. II, sec. 4(f) effective July 1, 1939, set out in paragraph 115–31 of this volume.] (June 15, 1935, sec. 202, Title II, sec. 202, 49 Stat. 391; 18

U. S. C., sec. 393a note.)

JUVENILE DELINQUENCY

1312-1. Juvenile delinquents; definition.—That for the purposes of this Act a "juvenile" is a person seventeen years of age or under, "juvenile delinquency" is an offense against the laws of the United States committed by a juvenile and not punishable by death or life imprisonment. (June 16, 1938, sec. 1, 52 Stat. 764; 18 U. S. C.,

sec. 921.)

1312-2. Prosecution as juvenile delinquent; consent of accused.—Whenever any juvenile is charged with the commission of any offense against the laws of the United States, other than an offense punishable by death or life imprisonment, and such juvenile is not surrendered to the authorities of any State, pursuant to the provisions of the Act of June 11, 1932 (47 Stat. 301; U. S. C., title 18, sec. 662a), he shall be prosecuted as a juvenile delinquent if the Attorney General in his discretion so directs and the accused consents to such procedure. In such event such person shall be prosecuted by information on the charge of juvenile delinquency, and no prosecution shall be instituted for the specific offense alleged to have been committed by him. The said consent required to be given by such juvenile shall be given by him in writing before a judge of the

district court of the United States having cognizance of the offense, who shall fully apprize the juvenile of his rights and of the consequences of such consent. (June 16, 1938, sec. 2, 52 Stat. 765; 18

U. S. C., sec. 922.)

1312–3. Jurisdiction; waiver of trial.—The district court of the United States having jurisdiction of the offense shall have jurisdiction to try persons prosecuted as juvenile delinquents. For such purposes the court may be convened at any time and place within the district, in chambers or otherwise. The trial shall be without a jury. The consent on the part of the juvenile to be prosecuted on a charge of juvenile delinquency shall be deemed a waiver of a trial by jury. (June 16, 1938, sec. 3, 52 Stat. 765; 18 U. S. C., sec. 923.)

1312-4. Probation; commitment to custody of Attorney General; support.—In the event that the court finds such juvenile guilty of juvenile delinquency, it may place him on probation under the provisions of the Act of March 4, 1925, as amended (43 Stat. 1259; U. S. C., title 18, secs. 724 to 728), except that the period of probation may include but may not exceed the minority of the delinquent; or it may commit the delinquent to the custody of the Attorney General for a period not exceeding his minority, but in no event exceeding the term for which the juvenile could have been sentenced if he had been tried and convicted of the offense which he had committed. The Attorney General may designate any public or private agency for the custody, care, subsistence, education, and training of the juvenile during the period for which he was committed. The cost of such custody and care may be paid from the appropriation for "Support of United States prisoners" or such other appropriation as the Attorney General may designate. (June

16, 1938, sec. 4, 52 Stat. 765; 18 U. S. C., sec. 924.)

1312-5. Notice of arrest; detention; bail.—Whenever a juvenile is arrested on a charge of having committed an offense against the laws of the United States, the arresting officer shall immediately notify the Attorney General of such fact. If such juvenile is not forthwith taken before a committing magistrate, he may be detained in such juvenile home or other suitable place of detention as the Attorney General may designate for such purposes, but shall not be detained in a jail or similar place of detention, unless, in the opinion of the arresting officer, such detention is necessary to secure the custody of such juvenile, or to insure his safety or that of others. In no case shall such detention be for a longer period than is necessary to produce such juvenile before a committing magistrate. The committing magistrate may release such juvenile on bail, upon his own recognizance or that of some responsible person, or in default of bail may commit him to the custody of the United States marshal, who shall lodge him in such juvenile home or other suitable place of detention as the Attorney General may designate for that purpose. Such juvenile shall not be committed to a jail or other similar institution, unless in the opinion of the marshal it appears that such commitment is necessary to secure the custody of the juvenile or to insure his safety or that of others. A juvenile detained in a jail or similar institution shall be held in custody in a room or other place apart from adults if facilities for such segregation are available. (June 16, 1938, sec. 5, 52 Stat. 765; 18 U. S. C., sec. 925.)

CUSTOMS DUTIES

TARIFF ACT OF 1930

1315a. Animals imported for breeding purposes; stocking and non-commercial purposes; plants, etc., by Government.—That on and after the day following the passage of this Act [June 18, 1930], except as otherwise specially provided for in this Act, the articles mentioned in the following paragraphs, when imported into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, and the island of Guam), shall be exempt from duty: * * * (June 17, 1930, Title II, sec. 201, 46 Stat. 672; June 25, 1938, sec. 2, 52)

Stat. 1077; 19 U. S. C., sec. 1201.)

1319-1. Importation of cattle, sheep, swine, and meats prohibited in certain cases.—(a) Rinderpest and foot-and-mouth disease.—If the Secretary of Agriculture determines that rinderpest or foot-and-mouth disease exists in any foreign country, he shall officially notify the Secretary of the Treasury and give public notice thereof, and thereafter, and until the Secretary of Agriculture gives notice in a similar manner that such disease no longer exists in such foreign country, the importation into the United States of cattle, sheep, or other domestic ruminants, or swine, or of fresh, chilled, or frozen beef, veal, mutton,

lamb, or pork, from such foreign country, is prohibited.

(b) Meats unfit for human food.—No meat of any kind shall be imported into the United States unless such meat is healthful, wholesome, and fit for human food and contains no dye, chemical, preservative, or ingredient which renders such meat unhealthful, unwholesome, or unfit for human food, and unless such meat also complies with the rules and regulations made by the Secretary of Agriculture. All imported meats shall, after entry into the United States in compliance with such rules and regulations, be deemed and treated as domestic meats within the meaning of and subject to the provisions of the Act of June 30, 1906 (Thirty-fourth Statutes at Large, p. 674), commonly called the "Meat Inspection Amendment," and the Act of June 30, 1906 (Thirty-fourth Statutes at Large, p. 868), commonly called the "Food and Drugs Act," and Acts amendatory of, supplementary to, or in substitution for such Acts.

(c) Regulations.—The Secretary of Agriculture is authorized to make rules and regulations to carry out the purposes of this section and in such rules and regulations the Secretary of Agriculture may prescribe the terms and conditions for the destruction of all cattle, sheep, and other domestic ruminants, and swine, and of all meats, offered for entry and refused admission into the United States, unless such cattle, sheep, domestic ruminants, swine, or meats be exported by the consignee within the time fixed therefor in such rules and regulations. (June 17, 1930, Title III, sec. 306, 46 Stat. 689; 19 U. S. C., sec. 1306.)

EDUCATION

VOCATIONAL EDUCATION

1320. Federal board; members; chairman; terms of office; cooperation with State boards; investigations; assistants.—[Office of Education and its functions and personnel were transferred to Federal Security Agency, and functions of Secretary of Interior relating thereto were transferred to Administrator of said Agency by Reorganization Plan No. 1, sec. 201 and sec. 204, effective July 1, 1939, set out in paragraph 115–31 of this volume.] (Feb. 23, 1917, sec. 6, 39 Stat. 932; 20 U. S. C., sec. 17 note.)

SMITHSONIAN INSTITUTION (AND NATIONAL MUSEUM)

1322-1. Donations of works of art from Government agencies.—The Director of Procurement, the Administrator of the Public Works Administration, and other agencies of the Government are authorized to donate to the Gallery any works of art now or hereafter under their control. (May 17, 1938, sec. 5, 52 Stat. 401; 20 U. S. C., sec. 76d.)

VENDING STANDS FOR BLIND IN FEDERAL BUILDINGS

1324-1. Operation of vending stands authorized.—That for the purpose of providing blind persons with remunerative employment, enlarging the economic opportunities of the blind, and stimulating the blind to greater efforts in striving to make themselves self-supporting blind persons licensed under the provisions of this Act shall be authorized to operate vending stands in any Federal building where, in the discretion of the head of the department or agency in charge of the maintenance of the building, such vending stands may be properly and satisfactorily operated by blind persons. (June 20, 1936, sec. 1, 49 Stat. 1559; 20 Ü. S. C., sec. 107.)

1324-2. Surveys and reports to be made by Office of Education.—(a) The Office of Education in the Department of the Interior, subject to the direction of the Commissioner of Education and such rules and regulations as he may, with the approval of the Secretary of the

Interior, prescribe, shall—

(1) Make surveys of concession-stand opportunities for blind persons in Federal and other buildings in the United States;

(2) Make surveys throughout the United States of industries with a view to obtaining information that will assist blind persons to obtain employment;

(3) Make available to the public, and especially to persons and organizations engaged in work for the blind, information obtained

as a result of such surveys;

(4) Designate as provided in section 3 of this Act the State commission for the blind in each State, or, in any State in which there is no such commission some other public agency to issue

licenses to blind persons who are citizens of the United States and at least twenty-one years of age for the operating of vending stands in Federal and other buildings in such State for the vending of newspapers, periodicals, confections, tobacco products, and such other articles as may be approved for each building by the custodian thereof and the State licensing agency: and

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(5) Take such other steps as may be necessary and proper to

carry out the provisions of this Act.

(b) The State licensing agency shall, in issuing each such license for the operation of a vending stand, give preference to blind persons who are in need of employment and have resided for at least one year in the State in which such stand is to be located. Each such license shall be issued for an indefinite period but may be terminated by the State licensing agency if it is satisfied that the stand is not being operated in accordance with the rues and reguations prescribed by such licensing agency. Each such license for the operation of a vending stand in a Federal building shall be subject to the approval of the Federal agency having charge of the building in which the stand is located. Such licenses shall be issued only to applicants who are blind within the meaning of this Act but are able, in spite of such infirmity, to operate such stands.

(c) The State licensing agency designated by the Office of Education is authorized, with the approval of the custodian having charge of the building in which the vending stand is to be located, to select a location for such stand and the type of stand to be provided. (June

20, 1936, sec. 2, 49 Stat. 1559; 20 U. S. C., sec. 107a.)

1324–3. Cooperation of State commission for blind.—(a) A State commission for the blind or other State agency desiring to be designated as the agency for licensing blind persons for the operation of vending stands as provided in this Act shall, with the approval of the governor of the State, make application to the Commissioner of Education and agree—

(1) To cooperate with the Commissioner of Education and with the division of vocational rehabilitation of such State in

training, placing, and supervising blind persons;

(2) To provide through loan, gift, or otherwise, for each blind person licensed to operate a stand, an adequate initial stock of suitable articles to be vended therefrom. (June 20, 1936, sec. 3, 49 Stat. 1560; 20 U. S. C., sec. 107b.)

1324—4. Cooperation of Commissioner with State boards.—The Commissioner is authorized to cooperate with the State boards for rehabilitation of handicapped persons, established by the several States pursuant to the Act entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment", approved June 2, 1920, as amended and supplemented, in carrying out the provisions of this Act. (June 20, 1936, sec. 4, 49 Stat. 1560; 20 U. S. C., sec. 107c.)

1324-5. Expenditures authorized; preference for blind persons.—(a) The Commissioner is authorized to make such expenditures out of any money appropriated therefor (including expenditures for personal services and rent at the seat of government and elsewhere, books of reference and periodicals, for printing and binding, and for traveling expenses) as he may deem necessary to carry out the provisions of this Act.

(b) The Commissioner shall, in employing such additional personnel as may be necessary, give preference to blind persons who are capable of discharging the required duties, and at least 50 per centum of such additional personnel shall be blind persons. (June 20, 1936, sec. 5,

49 Stat. 1560; 20 U.S.C., sec. 107d.)

1324-6. Definitions.—As used in this Act.—

(a) The term "United States" includes the several States, Territories, and possessions of the United States, and the District of Columbia.

(b) The term "blind person" means a person having not more than 10 per centum visual acuity in the better eye with correction. Such blindness shall be certified by a duly licensed ophthalmologist.

(c) The term "State" means a State, Territory, possession, or the District of Columbia. (June 20, 1936, sec. 6, 49 Stat. 1560; 20 U. S. C.,

sec. 107e.)

1324-7. Appropriation authorized.—There is hereby authorized to be appropriated such sums as may be necessary for carrying out the provisions of this Act. (June 20, 1936, sec. 7, 49 Stat. 1560; 20 U. S. C., sec. 107f.)

FOREIGN STUDENTS

1343-1. President authorized to permit citizens of American Republics to enroll in Government schools.—That the President be, and he hereby is, authorized, in his discretion and under such regulations as he may prescribe by Executive order, to permit citizens of the American republics to receive instruction, with or without charge therefor, at professional educational institutions and schools maintained and administered by the Government of the United States or by departments or agencies thereof: Provided, That such citizens shall agree to comply with all regulations for the government of the institutions and schools at which they may be under instruction and to exert every effort to accomplish successfully the courses of instruction prescribed: And provided further, That the regulations prescribed by the President under the authority of this Act shall contain provisions limiting the admission of citizens of the American republics to primary schools maintained and administered by the Government of the United States so that there will under no circumstances be any curtailment of the admission of citizens of the United States eligible to receive instruction therein and not more than one citizen of any American republic shall receive instruction at the same time in the United States Military Academy and not more than one in the United States Naval Academy. (June 24, 1938, 52 Stat. 1034; 20 U. S. C., sec. 221.)

FOOD AND DRUGS

ANIMALS, MEATS, AND MEAT AND DAIRY PRODUCTS

1380(21)a. Meat Inspection Act amended and extended with respect to its application to farmers, retail butchers and retail dealers.—That within the meaning of this Act—[Meat Inspection Act of March 4, 1907].

(a) A "farmer" means any person or partnership chiefly engaged in producing agricultural products on whose farm the number of cattle, calves, sheep, lamps, swine, or goats is in keeping with the size of the farm or with the volume or character of the agricultural products produced thereon, but does not mean any person or partnership engaged in producing agricultural products who—

(1) actively engages in buying or trading in cattle, calves, sheep,

lambs, swine, or goats; or

(2) actively engages, directly or indirectly, in conducting a business which includes the slaughter of cattle, calves, sheep, lambs, swine, or goats for food purposes; or

(3) actively engages, directly or indirectly, in buying or selling meat or meat food products other than those prepared by any

farmer on the farm; or

(4) actively engages, directly or indirectly, in salting, curing, or canning meat, or in preparing sausage, lard, or other meat food products; or

(5) slaughters, or permits any person to slaughter, on his or their farm cattle, calves, sheep, lambs, swine, or goats which are

not actually owned by him or them.

(b) A "retail butcher" means any person, partnership, association, or corporation chiefly engaged in selling meat or meat food products to consumers only, except that the Secretary of Agriculture, at his discretion, may permit any retail butcher to transport in interstate or foreign commerce to consumers and meat retailers in any one week not more than five carcasses of cattle, twenty-five carcasses of calves, twenty carcasses of sheep, twenty-five carcasses of lambs, ten carcasses of swine, twenty carcasses of goats, or twenty-five carcasses of goat kids, or the equivalent of fresh meat therefrom, and to transport in interstate or foreign commerce to consumers only meat and meat food products which have been salted, cured, canned, or prepared as sausage, lard, or other meat food products, and which have not been inspected, examined, and marked as "Inspected and Passed" in accordance with the terms of the Meat Inspection Act of March 4, 1907, and Acts supplemental thereto, and with the rules and regulations prescribed by the Secretary of Agriculture.

(c) A "retail dealer" means any person, partnership, association, or corporation chiefly engaged in selling meat or meat food products to consumers only except that the Secretary of Agriculture, at his discretion, may permit any retail dealer to transport in interstate trade or foreign commerce to consumers and meat retailers in any one week not more than five carcasses of cattle, twenty-five carcasses of calves, twenty carcasses of sheep, twenty-five carcasses of lambs, ten carcasses of swine, twenty carcasses of goats, or twenty-five car-

casses of goat kids, or the equivalent of fresh meat therefrom, and to transport in interstate or foreign commerce to consumers only meat and meat food products which have been salted, cured, canned, or prepared as sausage, lard, or other meat food products which have not been inspected, examined, and marked as 'Inspected and Passed' in accordance with the terms of the Meat Inspection Act of March 4, 1907, and Acts supplemental thereto, and with the rules and regu-

lations prescribed by the Secretary of Agriculture. That the provisions of the Meat Inspection Act of March 4, 1907, requiring inspection to be made by the Secretary of Agriculture shall not apply to animals slaughtered by any farmer on the farm and sold and transported in interstate or foreign commerce, nor to retail butchers and retail dealers in meat and meat food products, supplying their customers: Provided, That all meat and meat food products derived from animals slaughtered by any farmer on the farm which are salted, cured, canned, or prepared into sausage, lard, or other meat food products at any place other than by the farmer on the farm upon which the animals were slaughtered shall not be transported in interstate or foreign commerce under the farmers' exemption herein provided, and all fresh meat and all farm-cured or prepared meat and meat food products derived from animals slaughtered by any farmer on the farm which are to be used in interstate or foreign commerce shall be clearly marked with the name and address of the farmer on whose farm the animals were slaughtered: Provided further, That if any person shall sell or offer for sale or transportation for interstate or foreign commerce any meat or meat food products which are diseased, unsound, unhealthful, unwholesome, or otherwise unfit for human food, knowing that such meat food products are intended for human consumption, he shall be guilty of a disdemeanor and on conviction thereof shall be punished by a fine not exceeding \$1,000 or by imprisonment for a period of not exceeding one year, or by both such fine and imprisonment: And provided further, That the Secretary of Agriculture is authorized to maintain the inspection in this Act provided for at any slaughtering, meat canning, salting, packing, rendering, or similar establishment notwithstanding this exception, and that the persons operating the same may be retail butchers and retail dealers or farmers; and where the Secretary of Agriculture shall establish such inspection then the provisions of this Act shall apply notwithstanding this exception. (Nov. 4, 1907, 34 Stat. 1265; June 29, 1938, 52 Stat. 1235; 21 U. S. C., sec. 91.)

FOREIGN RELATIONS AND INTERCOURSE

INTERNATIONAL BUREAUS, CONGRESSES, ETC.

1422-1. Participation in international conferences restricted.—* * * Hereafter the Executive shall not extend or accept any invitation to participate in any international congress, conference, or like event, without first having specific authority of law to do so. (Mar. 4, 1913, sec. 1, 37 Stat. 913; 22 U. S. C., sec. 262.)

HIGHWAYS

FEDERAL HIGHWAY ACT

1456-1. Apportionment of funds for forest highways, roads and trails.— For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), there is hereby authorized to be appropriated for forest highways, roads, and trails the following sums, to be available until expended in accordance with the provisions of said section 23: The sum of \$10,000,000 for the fiscal year ending June 30, 1940, and the sum of \$13,000,000 for the fiscal year ending June 30, 1941: Provided, That the apportionment for forest highways in Alaska shall be \$400,000 for each of the fiscal years, and that such additional amount as otherwise would have been apportioned to Alaska for each of said fiscal years shall be apportioned by the Secretary of Agriculture among those States, including Puerto Rico, whose forest highway apportionment for such fiscal year otherwise would be less than 1 per centum of the entire apportionment for forest highways for that fiscal year: Provided further, That the Secretary of Agriculture may make apportionments among those States, including Puerto Rico, whose forest highway apportionments for such fiscal year otherwise would be less than 1 per centum of the entire apportionment for forest highways for that fiscal year without regard to the provisions of said section 23 relating to apportionments, but in no case shall the Secretary of Agriculture make apportionment to any State under this provision in excess of 20 per centum of the total of funds affected thereby. (June 8, 1938, sec. 5, 52 Stat. 635.)

1456-2. Forest highway appropriations to be administered jointly by the Secretary of Agriculture and the Federal Works Administrator.—That hereafter appropriations for forest highways shall be administered in conformity with regulations jointly approved by the Secretary of Agriculture and the Federal Works Administrator. (Sept. 5, 1940,

Sec. 6, 54 Stat. 869.)

1456-3. Location of parkways on national forests to be jointly determined by Department of Agriculture and National Park Service.—That hereafter the location of such parkways upon public lands, national forests, or other Federal reservations shall be determined by agreement between the department having jurisdiction over such lands and the National Park Service. (Sept. 5, 1940, Sec. 9, 54 Stat. 869.)

INTERNAL REVENUE CODE

INCOME TAX

1477-1. Short title.—That this Act may be cited as the "Public Salary Tax Act of 1939." (Apr. 1939, 53 Stat. 574; 26 U. S. C.,

sec. 22 note.)

1477-2. Exemptions covering State employees, agencies or instrumentalities.—Any amount of income tax (including interest, additions to tax, and additional amounts) for any taxable year beginning prior to January 1, 1938, to the extent attributable to compensation for per-

sonal service as an officer or employee of a State, or any political subdivision thereof, or any agency or instrumentality of any one or more of the foregoing—

(a) shall not be assessed, and no proceeding in court for the collection thereof shall be begun or prosecuted (unless pursuant to an assess-

ment made prior to January 1, 1939);

(b) if assessed after December 31, 1938, the assessment shall be abated, and any amount collected in pursuance of such assessment shall be credited or refunded in the same manner as in the case of an income tax erroneously collected; and

(c) shall, if collected on or before the date of the enactment of this Act, be credited or refunded in the same manner as in the case of an income tax erroneously collected, in the following cases—

(1) Where a claim for refund of such amount was filed before January 19, 1939, and was not disallowed on or before the date of the enactment of this Act;

(2) Where such claim was so filed but has been disallowed and the time for beginning suit with respect thereto has not expired on the date of the enactment of this Act;

(3) Where a suit for the recovery of such amount is pending

on the date of the enactment of this Act; and

- (4) Where a petition to the Board of Tax Appeals has been filed with respect to such amount and the Board's decision has not become final before the date of the enactment of this Act. (April 12, 1939, Title II, sec. 201, 53 Stat. 575; 26 U. S. C., sec. 22 note.)
- 1477-3. Method of compensation of gross income for taxable year 1938.—In the case of any taxable year beginning after December 31, 1937, and before January 1, 1939, compensation for personal service as an officer or employee of a State, or any political subdivision thereof, or any agency or instrumentality of any one or more of the foregoing, shall not be included in the gross income of any individual under Title I of the Revenue Act of 1938 and shall be exempt from taxation under such title, if such individual either—

(a) did not include in his return for a taxable year beginning after December 31, 1936, and before January 1, 1938, any amount as compensation for personal service as an officer or employee of a State, or any political subdivision thereof, or any agency or instrumentality of

any one or more of the foregoing; or

(b) did include any such amount in such return, but is entitled under section 201 of this Act to have the tax attributable thereto credited or refunded. (Apr. 12, 1939, Title II, sec. 202; 53 Stat. 575;

26 U. S. C., sec. 22 note.)

1477-4. Credits and refunds.—Any amount of income tax (including interest, additions to tax, and additional amounts) collected on, before, or after the date of the enactment of this Act for any taxable year beginning prior to January 1, 1939, to the extent attributable to compensation for personal service as an officer or employee of a State, or any political subdivision thereof, or any agency or instrumentality of any one or more of the foregoing, shall be credited or refunded in the same manner as in the case of an income tax erroneously collected, if claim for refund with respect thereto is filed after January 18, 1939,

and the Commissioner of Internal Revenue, under regulations prescribed by him with the approval of the Secretary of the Treasury, finds that disallowance of such claim would result in the application of the doctrines in the cases of Helvering against Therrell (303 U. S. 218), Helvering against Gerhardt (304 U. S. 405), and Graves et al. against New York ex rel O'Keefe, decided March 27, 1939, extending the classes of officers and employees subject to Federal taxation. Apr. 12, 1939, Title II, sec. 203, 53 Stat. 576; 26 U. S. C., sec. 22 note.)

1477-5. Effect of Statute of Limitations.—Neither section 201 nor section 203 shall apply in any case where the claim for refund, or the institution of the suit, or the filing of the petition with the Board, was, at the time filed or begun, barred by the statute of limitations properly applicable thereto. (Apr. 12, 1939, Title II, sec. 204, 53 Stat. 576;

26 U. S. C., sec. 22 note.)

1477-6. Compensation defined.—Compensation shall not be considered as compensation within the meaning of sections 201, 202, and 203 to the extent that it is paid directly or indirectly by the United States or any agency or instrumentality thereof. If the amount of the deficiency in income tax for any taxable year beginning before January 1, 1939, attributable to compensation paid indirectly by the United States, or any agency or instrumentality thereof, for personal service as an officer or employee of a State, or any political subdivision therof, or any agency or instrumentality of any of the foregoing, is paid on or before March 15, 1941, then with respect to failure to pay such amount or make return of such compensation: (a) No criminal penalty shall apply; and (b) the additions to tax provided in sections 291 and 293 of the Internal Revenue Code shall not apply. (Apr. 12, 1939, Title II, sec. 205, 52 Stat. 576; June 25, 1940, Title IV, sec. 401, 54 Stat. 527; 26 U. S. C., sec. 22 note.)

1477-7. Terms governed by Internal Revenue Code.—The terms used in this Act shall have the same meaning as when used in Chapter I of the Internal Revenue Code. (Apr. 12, 1939, Title II, sec. 206, 53 Stat.

576; 26 U. S. C., sec. 22 note.)

1477-8. Limitation on collection of State taxes from Federal employees, agencies, etc.—No collection of any tax (including interest, additions to tax, and penalties) imposed by any State, Territory, possession, or local taxing authority on the compensation, received before January 1, 1939, for personal service as an officer or employee of the United States or any agency or instrumentality thereof which is exempt from Federal income taxation and, if a corporate agency or instrumentality, is one (a) a majority of the stock of which is owned by or on behalf of the United States, or (b) the power to appoint or select a majority of the board of directors of which is exercisable by or on behalf of the United States, shall be made after the date of the enactment of this Act. (Apr. 12, 1939, Title II, sec. 207, 53 Stat. 576; 26 U. S. C., sec. 22 note.)

1477-9. Nonapplicability of act where policy of States is to collect taxes.—This title shall not apply with respect to any officer or employee of a State, or any political subdivision thereof, or any agency or instrumentality of any one or more of the foregoing, after the Secretary of the Treasury has determined and proclaimed that it is the policy of such State to collect from any individual any tax,

interest, additions to tax, or penalties, on account of compensation received by such individual prior to January 1, 1939, for personal service as an officer or employee of the United States or any agency or instrumentality thereof. In making such determination the Secretary of the Treasury shall disregard the taxation of officers and employees of any corporate agency or instrumentality which is not exempt from Federal income taxation, or which if so exempt is one (a) a majority of the stock of which is not owned by or on behalf of the United States and (b) the power to appoint or select a majority of the board of directors of which is not exercisable by or on behalf of the United States. (Apr. 12, 1939, Title II, sec. 208, 53 Stat. 576; 26 U. S. C., sec. 22 note.)

1477-10. "Officer or employee" defined.—For the purposes of this Act, the term "officer or employee" includes a member of a legislative body and a judge or officer of a court. (Apr. 12, 1939, Title II,

sec. 210, 53 Stat. 577; 26 U.S. C., sec. 22 note.)

1477–11. Separability clause.—If either title of this Act, or the application thereof to any person or circumstances, is held invalid, the other title of the Act shall not be affected thereby. (Apr. 12, 1939, Title II, sec. 211, 53 Stat. 577; 26 U. S. C., sec. 22 note.)

1477-12. Income tax; individual returns .-

(a) Requirement.—The following individuals shall each make under oath a return stating specifically the items of his gross income and the deductions and credits allowed under this chapter and such other information for the purpose of carrying out the provisions of this chapter as the Commissioner with the approval of the Secretary may by regulations prescribe—

(1) Every individual who is single or who is married but not living with husband or wife, if having a gross income for the tax-

able year of \$800 or over.

(2) Every individual who is married and living with husband or wife, if no joint return is made under subsection (b) and if—

(A) Such individual has for the taxable year a gross income of \$2,000 or over, and the other spouse has no gross income; or

(B) Such individual and his spouse each has for the taxable year a gross income and the aggregate gross income is \$2,000 or over.

(b) Husband and Wife.—In the case of a husband and wife living together the income of each (even though one has no gross income) may be included in a single return made by them jointly, in which case the tax shall be computed on the aggregate income, and the liability with respect to the tax shall be joint and several. No joint return may be made if either the husband or wife is a nonresident alien.

(c) Persons Under Disability.—If the taxpayer is unable to make his own return, the return shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer.

(d) Signature Presumed Correct.—The fact that an individual's name is signed to a filed return shall be prima facie evidence for all

purposes that the return was actually signed by him.

(e) FIDUCIARIES.—

For returns to be made by fiduciaries, see section 142, 53 Stat. 60. Feb. 10, 1939, Title I, Part V, sec. 51, Internal Revenue Code, 53 Stat. 27; June 25, 1940, sec. 7 (a), 54 Stat. 519.

1477-13. Same; time and place for filing returns.—

(a) TIME FOR FILING.—

(1) GENERAL RULE.—Returns made on the basis of the calendar year shall be made on or beofre the 15th day of March following the close of the calendar year. Returns made on the basis of a fiscal year shall be made on or before the 15th day of the third month following the close of the fiscal year.

(2) Extension of Time.—The Commissioner may grant a reasonable extension of time for filing returns, under such rules and regulations as he shall prescribe with the approval of the Secretary. Except in the case of taxpayers who are abroad, no such extension

shall be for more than six months. (b) To WHOM RETURN MADE.-

(1) Individuals.—Returns (other than corporation returns) shall be made to the collector for the district in which is located the legal residence or principal place of business of the person making the return, or, if he has no legal residence or principal place of business in the United States, then to the collector at Baltimore, Maryland.

(2) Corporations.—Returns of corporations shall be made to the collector of the district in which is located the principal place of business or principal office or agency of the corporation, or, if it has no principal place of business or principal office or agency in the United States, then to the collector at Baltimore, Md. (Feb. 10, 1939, Title I, Part V, sec. 53, Internal Revenue Code, 53 Stat.

1477-14. Same; records and special returns .-

(a) By Taxpayer.—Every person liable to any tax imposed by this chapter or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the Comissioner, with the ap-

proval of the Secretary, may from time to time prescribe.

(b) To DETERMINE LIABILITY TO TAX.—Whenever in the judgment of the Commissioner necessary he may require any person, by notice served upon him, to make a return, render under oath such statements, or keep such records, as the Commissioner deems sufficient to show whether or not such person is liable to tax under this chapter.

(d) Copies of Returns.—If any person, required by law or regulations made pursuant to law to file a copy of any income return for any taxable year, fails to file such copy at the time required, there shall be due and assessed against such person \$5 in the case of an individual return or \$10 in the case of a fiduciary, partnership, or corporation return, and the collector with whom the return is filed shall prepare such copy. Such amount shall be collected and paid, without interest, in the same manner as the amount of tax due in excess of that shown by the taxpayer upon a return in the case of a mathematical error appearing on the face of the return. Copies of returns filed or prepared pursuant to this subsection shall remain on file for a period of not less than two years from the date they are required to be filed, and may be destroyed at any time thereafter under the direction of the Commissioner. * * * Title I, Part V, sec. 54, Internal Revenue Code, 53 Stat. 28.)

1477-15. Same; time for making payment.-

(a) Time of Payment.—The total amount of tax imposed by this chapter shall be paid on the fifteenth day of March following the close of the calendar year, or, if the return should be made on the basis of a fiscal year, then on the fifteenth day of the third month

following the close of the fiscal year.

(b) Installment Payments.—The taxpayer may elect to pay the tax in four equal installments, in which case the first installment shall be paid on the date prescribed for the payment of the tax by the taxpayer, the second installment shall be paid on the fifteenth day of the third month, the third installment on the fifteenth day of the sixth month, and the fourth installment on the fifteenth day of the ninth month, after such date. If any installment is not paid on or before the date fixed for its payment, the whole amount of the tax unpaid shall be paid upon notice and demand from the collector.

(c) Extension of Time for Payment.—

(1) General Rule.—At the request of the taxpayer, the Commissioner may extend the time for payment of the amount determined as the tax by the taxpayer, or any installment thereof, for a period not to exceed six months from the date prescribed for the payment of the tax or an installment thereof. In such case the amount in respect of which the extension is granted shall be paid on or before the date of the expiration of the period of the extension.

(Feb. 10, 1939, Title I, Part V, sec. 56; Internal Revenue Code, 53

Stat. 31.)

1477-16. Tax exemption of certain Federal Employees' Organizations.—(19) Voluntary employees' beneficiary associations providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents or their designated beneficiaries, if (A) admission to membership in such association is limited to individuals who are officers or employees of the United States Government, and (B) no part of the net earnings of such association inures (other than through such payments) to the benefit of any private shareholder or individual. (May 28, 1938, sec. 101, 52 Stat. 480; Feb. 10, 1939, 53 Stat. 33; as amended June 29, 1939, Title II, sec. 217, 53 Stat. 876; 26 U. S. C., sec. 101 (19).)

1477-17. Commodity credit loans.—(a) Amounts received as loans from the Commodity Credit Corporation shall, at the election of the taxpayer, be considered as income and shall be included in gross income

for the taxable year in which received.

(b) If a taxpayer exercises the election provided for in subsection (a) for any taxable year beginning after December 31, 1938, then the method of computing income so adopted shall be adhered to with respect to all subsequent taxable years unless with the approval of the Commissioner a change to a different method is authorized. (Added June 29, 1939, Title II, sec. 223 (a), 53 Stat. 879; 26 U. S. C., sec. 123.)

FILLED CHEESE

1528-1. Definition of "filled cheese".—That for the purpose of this Act certain substances and compounds shall be known and designated

as "filled cheese," namely: All substances made of milk or skimmed milk, with the admixture of butter, animal oils or fats, vegetable or any other oils, or compounds foreign to such milk, and made in imitation or semblance of cheese. Substances and compounds, consisting principally of cheese with added edible oils, which are not sold as cheese or as substitutes for cheese but are primarily useful for imparting a natural cheese flavor to other foods shall not be considered "filled cheese" within the meaning of this Act. (June 6, 1896, sec. 2, 29 Stat. 253; May 28, 1938, sec. 706, 52 Stat. 571; 26 U. S. C., sec. 2350.)

JUDICIAL CODE AND JUDICIARY

THE COURT OF CLAIMS

1541a. Certification; certiorari; no other review.—(b) In any case in the Court of Claims, including those begun under section 180 of the Judicial Code, it shall be competent for the Supreme Court, upon the petition of either party, whether Government or claimant, to require, by certiorari, that the cause be certified to it for review and determination of all errors assigned, with the same power and authority, and with like effect, as if the cause had been brought there by appeal. In such event, the Court of Claims shall include in the papers certified by it the findings of fact, the conclusions of law, and the judgment or decree, as well as such other parts of the record as are material to the errors assigned, to be settled by the Court.

The Court of Claims shall promulgate rules to govern the preparation of such record in accordance with the provisions of this section.

In such cases the Supreme Court shall have authority to review, in addition to other questions of law, errors assigned to the effect that there is a lack of substantial evidence to sustain a finding of fact; that an ultimate finding or findings are not sustained by the findings of evidentiary or primary facts; or that there is a failure to make any finding of fact on a material issue. (Feb. 13, 1925, sec. 3, 43 Stat. 939; May 22, 1939, 53 Stat. 752; 28 U. S. C., sec. 288.)

THE SUPREME COURT

1543-1. Direct appeal to Supreme Court; constitutionality of Federal statute.—In any suit or proceeding in any court of the United States to which the United States, or any agency thereof, or any officer or employee thereof, as such officer or employee, is a party, or in which the United States has intervened and become a party, and in which the decision is against the constitutionality of any Act of Congress, an appeal may be taken directly to the Supreme Court of the United States by the United States or any other party to such suit or proceeding upon application therefor or notice thereof within thirty days after the entry of a final or interlocutory judgment, decree, or order; and in the event that any such appeal is taken, any appeal or cross-appeal by any party to the suit or proceeding taken previously, or taken within sixty days after notice of an appeal under this section, shall also be or be treated as taken directly to the Supreme Court of the United States. In the event that an appeal is taken under this section, the record shall be made up and the case docketed

in the Supreme Court of the United States within sixty days from the time such appeal is allowed, under such rules as may be prescribed by the proper courts. Appeals under this section shall be heard by the Supreme Court of the United States at the earliest possible time and shall take precedence over all other matters not of a like character. This section shall not be construed to be in derogation of any right of direct appeal to the Supreme Court of the United States under existing provisions of law. (Aug. 24, 1937, sec. 2, 50 Stat. 752; 28 U. S. C., sec. 349a.)

PROVISIONS COMMON TO MORE THAN ONE COURT

1544-1. Application for hearing; appeal to the Supreme Court; constitutionality of Federal statute.—No interlocutory or permanent injunction suspending or restraining the enforcement, operation, or execution of, or setting aside, in whole or in part, any Act of Congress upon the ground that such Act or any part thereof is repugnant to the Constitution of the United States shall be issued or granted by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, unless the application for the same shall be presented to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a circuit judge. any such application is presented to a judge, he shall immediately request the senior circuit judge (or in his absence, the presiding circuit judge) of the circuit in which such district court is located to designate two other judges to participate in hearing and determining such application. It shall be the duty of the senior circuit judge or the presiding circuit judge, as the case may be, to designate immediately two other judges from such circuit for such purpose, and it shall be the duty of the judges so designated to participate in such hearing and determination. Such application shall not be heard or determined before at least five days notice of the hearing has been given to the Attorney General and to such other persons as may be defendants in the suit: Provided, That if of opinion that irreparable loss or damage would result to the petitioner unless a temporary restraining order is granted, the judge to whom the application is made may grant such temporary restraining order at any time before the hearing and determination of the application, but such temporary restraining order shall remain in force only until such hearing and determination upon notice as aforesaid, and such temporary restraining order shall contain a specific finding, based upon evidence submitted to the court making the order and identified by reference thereto, that such irreparable loss or damage would result to the petitioner and specifying the nature of the loss or damage. The said court may, at the time of hearing such application, upon a like finding, continue the temporary stay or suspension, in whole or in part, until decision upon the application. The hearing upon any such application for an interlocutory or permanent injunction shall be given precedence and shall be in every way expedited and be assigned for a hearing at the earliest practicable day. An appeal may be taken directly to the Supreme Court of the United States upon application therefor or notice thereof within thirty days after the entry of the order, decree, or judgment granting or denying, after notice and hearing, an interlocutory or permanent injunction in such case. In the event that an appeal is taken under this section, the record shall be made up and the case docketed in the Supreme Court of the United States within sixty days from the time such appeal is allowed, under such rules as may be prescribed by the proper courts. Appeals under this section shall be heard by the Supreme Court of the United States at the earliest possible time and shall take precedence over all other matters not of a like character. This section shall not be construed to be in derogation of any right of direct appeal to the Supreme Court of the United States under existing provisions of law. (Aug. 24, 1937, sec. 3, 50 Stat. 752; 28 U. S. C., sec. 380a.)

1544-2. Intervention by the United States; constitutionality of Federal statute.—That whenever the constitutionality of any Act of Congress affecting the public interest is drawn in question in any court of the United States in any suit or proceeding to which the United States, or any agency thereof, or any officer or employee thereof, as such officer or employee, is not a party, the court having jurisdiction of the suit or proceeding shall certify such fact to the Attorney General. In any such case the court shall permit the United States to intervene and become a party for presentation of evidence (if evidence is otherwise receivable in such suit or proceeding) and argument upon the question of the constitutionality of such Act. In any such suit or proceeding the United States shall, subject to the applicable provisions of law, have all the rights of a party and the liabilities of a party as to court costs to the extent necessary for a proper presentation of the facts and law relating to the constitutionality of such Act. (Aug. 24, 1937, sec. 1, 50 Stat. 751; 28 U. S. C., sec. 401.)

EVIDENCE

of the United States Government shall have photographed or microphotographed all or any part of the records kept by or in the agency in a manner and on film that complies with the minimum standards of quality approved for permanent photographic records by the National Bureau of Standards, and whenever such photographs or microphotographs shall be placed in conveniently accessible files and provision made for preserving, examining, and using the same, the head of such agency may, with the approval of the Archivist of the United States, cause the original records from which the photographs or microphotographs have been made or any part thereof to be disposed of according to methods prescribed by law, provided records of the same specific kind in the particular agency have been proviously authorized for disposition by Congress. (Sept. 24, 1940, sec. 1, 54 Stat. 958.)

1546—2. Same; admissibility in evidence.—Photographs or microphotographs of any record photographed or microphotographed as herein provided shall have the same force and effect as the originals thereof would have had, and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated copies of such photographs or microphotographs shall be admitted in evidence equally with the original photographs or micropho-

tographs. (Sept. 24, 1940, Sec. 2, 54 Stat. 958.)

LABOR

FAIR LABOR STANDARDS

1548-1. Term "Agriculture" as defined in Fair Labor Standards Act of 1938.—(f) "Agriculture" includes farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 15 (g) of the Agricultural Marketing Act, as amended), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market. (June 25, 1938, sec. 3(f), 52 Stat. 1060; 29 U. S. C., sec. 203.)

MONEY AND FINANCE

AUDIT AND SETTLEMENT OF ACCOUNTS

1656-1. Administrative examination of accounts; lists of persons receiving periodic payments, vouchers.—That hereafter the provisions of the Act of August 23, 1912 (37 Stat. 375), shall not preclude the furnishing by the Division of Disbursement, Treasury Department, at the request of administrative officers, of addressographed or stenciled lists of persons receiving periodic payments from the United States, which lists, as administratively revised and certified, if otherwise in proper form, may constitute the voucher upon which the Division of Disbursement may make payment. (May 14, 1937, Title I, 50 Stat. 140; 31 U. S. C., sec. 82a.)

1656-2. Government payments for transportation to be made before preaudit by General Accounting Office.—Payment for transportation of the United States mail and of persons or property for or on behalf of the United States by any common carrier subject to the Interstate Commerce Act, as amended, or the Civil Aeronautice Act of 1938, shall be made upon presentation of bills therefor, prior to audit or settlement by the General Accounting Office, but the right is hereby reserved to the United States Government to deduct the amount of any overpayment to any such carrier from any amount subsequently found to be due such carrier. (Sept. 18, 1940, Sec. 322, 54 Stat. 955.)

1656-3. Ten-year statute of limitations on claims cognizable by General Accounting Office.—That every claim or demand (except a claim or demand by any State, Territory, possession or the District of Columbia) against the United States cognizable by the General Accounting Office under section 305 of the Budget and Accounting Act of June 10, 1921 (42 Stat. 24), and the Act of April 10, 1928 (45 Stat. 413), shall be forever barred unless such claim, bearing the signature and address of the claimant or of an authorized agent or attorney, shall be received in said office within ten full years after the date such claim first accrued: *Provided*, That when a claim of any person serving in

the military or naval forces of the United States accrues in time of war, or when war intervenes within five years after its accrual, such claim may be presented within five years after peace is established.

(Oct. 9, 1940, Sec. 1, 54 Stat. 1061.)

1656-4. Same; notice to claimant.—Whenever any claim barred by section 1 shall be received in the General Accounting Office, it shall be returned to the claimant, with a copy of this Act, and such action shall be a complete response without further communication. (Oct. 9, 1940, Sec. 2, 54 Stat. 1061.)

DEBTS DUE BY, OR TO, THE UNITED STATES

1667-1. Assignment of claims.—All transfers and assignments made of any claim upon the United States, or of any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or of any part or share thereof, shall be absolutely null and void, unless they are freely made and executed in the presence of at least two attesting witnesses, after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof. Such transfers, assignments, and powers of attorney, must recite the warrant for payment, and must be acknowledged by the person making them, before an officer having authority to take acknowledgments of deeds, and shall be certified by the officer; and it must appear by the certificate that the officer, at the time of the acknowledgment, read and fully explained the transfer, assignment, or warrant of attorney to the person acknowledging the same. (July 29, 1846, 9 Stat. 41, R. S., sec. 3477; 31 U. S. C., sec. 203.)

1667-2. Assignment of claims as affected by Assignment of Claims Act of 1940.—The provisions of the preceding paragraph shall not apply in any case in which the moneys due or to become due from the United States or from any agency or department thereof, under a contract providing for payments aggregating \$1,000 or more, are assigned to a bank, trust company, or other financing institution, including any

Federal lending agency: Provided,

1. That in the case of any contract entered into prior to the date of approval of the Assignment of Claims Act of 1940, no claim shall be assigned without the consent of the head of the department or agency concerned:

2. That in the case of any contract entered into after the date of approval of the Assignment of Claims Act of 1940, no claim shall be assigned if it arises under a contract which forbids such

assignment;

3. That unless otherwise expressly permitted by such contract any such assignment shall cover all amounts payable under such contract and not already paid, shall not be made to more than one party, and shall not be subject to further assignment, except that any such assignment may be made to one party as agent or trustee for two or more parties participating in such financing;

4. That in the event of any such assignment, the assignee thereof shall file written notice of the assignment together with a true copy

of the instrument of assignment with—

(a) the General Accounting Office,

(b) the contracting officer or the head of his department or agency. (c) the surety or sureties upon the bond or bonds, if any, in connection with such contract, and

(d) the disbursing officer, if any, designated in such contract to make

payment.

Notwithstanding any law to the contrary governing the validity of assignments, any assignment pursuant to the Assignment of Claims Act of 1940 shall constitute a valid assignment for all purposes.

Any contract entered into by the War Department or the Navy Department may provide that payments to an assignee of any claim arising under such contract shall not be subject to reduction or setoff, and if it is so provided in such contract, such payments shall not be subject to reduction or set-off for any indebtedness of the assignor to the United States arising independently of such contract. (Oct. 9, 1940, Sec. 1, 54 Stat. 1029.)

1667-3. Title of foregoing act.—This Act may be cited as the "Assignment of claims Act of 1940." (Oct. 9, 1940, Sec. 2, 54 Stat. 1030.)

1667-4. Settlement of claims for personal injury or death in foreign countries.—That when any act of omission of any officer, employee, or agent of the Government of the United States, including all officers, enlisted men, and employees of the Army, Navy, and Marine Corps, results in the personal inury or death of any person, not an American national, in any foreign country in which the United States exercises privileges of extraterritoriality, the Secretary of State may consider, adjust, and determine any claim, arising after the passage of this Act, for the damage occasioned by such injury or death in an amount not in excess of \$1,500, United States currency, in any one case, and such amount as may be found to be due to any claimant shall be certified to Congress as a legal claim for payment out of appropriations that may be made by Congress therefor, together with a brief statement of the character of each claim, the amount claimed, and the amount allowed: *Provided*. That this authorization shall not apply to cases of persons in the employ of the United States: Provided further, That no claim shall be considered under this Act by the Secretary of State unless presented to him within one year from the date of the accrual of said claim: And provided further, That acceptance by any claimant of the amount determined under the provisions of this Act shall be deemed to be in full settlement of such claim against the Government of the United States. (Feb. 13, 1936, 49 Stat. 1138; 31 U. S. C., sec. 224a.)

THE PUBLIC MONEYS

1704. Duplicates for lost, stolen, destroyed, or mutilated United States checks.—(a) Except as hereinafter provided, whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States is lost, stolen, or wholly or partly destroyed, or is so mutilated or defaced as to impair its value to its owner or holder, persons authorized to issue such checks on behalf of the United States are authorized, before the close of the fiscal year following the fiscal year in which the original check was issued, to issue to the owner or holder thereof a substitute, marked "duplicate" and showing the number, date, and payee of the original

check, upon the receipt and approval by the Secretary of the Treasury of a bond, to indemnify the United States, in such form and amount and with such surety, sureties, or security as the Secretary of the Treasury shall require; but no such substitute shall be payable if the original check shall first have been paid: *Provided*, *however*, That the authority herein conferred to issue substitute checks may, in the case of checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency

laws, be issued without limitation of time. (b) A bond of indemnity shall not be required under subsection (a) of this section in any of the following classes of cases except as hereinafter provided: (1) If the Secretary of the Treasury is satisfied that the loss, theft, destruction, mutilation, or defacement, as the case may be, occurred without fault of the owner or holder and while the check was in the custody or control of the United States (including the Postal Service when carrying mail for any officer, employee, agent, or agency of the United States when performing services in connection with an official function of the United States, but not including the Postal Service when otherwise acting solely in its capacity as a public carrier of the mail), or of a person thereunto duly authorized as lawful agent of the United States, or while it was in the course of shipment effected pursuant to and in accordance with the regulations issued under the provisions of the Government Losses in Shipment Act; (2) if substantially the entire check is presented and surrendered by the owner or holder and the Secretary of the Treasury is satisfied as to the identity of the check presented and that any missing portions are not sufficient to form the basis of a valid claim against the United States; (3) if the Secretary of the Treasury is satisfied that the original check is not negotiable and cannot be made the basis of a valid claim against the United States; (4) if the amount of the check is less than \$50 and the Secretary of the Treasury is satisfied that the giving of a bond of indemnity would be an undue hardship to the owner or holder; (5) if the owner or holder is the United States or an officer or employee thereof in his official capacity, a State, the District of Columbia, a Territory or possession of the United States, including the Commonwealth of the Philippine Islands, a municipal corporation or political subdivision of any of the foregoing, a corporation the whole of whose capital is owned by the United States, a foreign government, or a Federal Reserve bank: Provided, however, That in any of the foregoing classes of cases the Secretary of the Treasury may require a bond of indemnity if he deems it essential to the public interest.

(c) The Secretary of the Treasury shall have the power to make such rules and regulations as he may deem necessary for the admin-

istration of the provisions of this section.

(d) Notwithstanding the provisions of subsections (a), (b), and (c) of this section, whenever any original check of the Post Office Department has been lost, stolen, or destroyed, the Postmaster General may authorize the issuance of a substitute, marked "duplicate" and showing the number, date, and payee of the original check, before the close of the fiscal year following the fiscal year in which the original check was issued, upon the execution by the owner thereof of such bond of indemnity as the Postmaster General may prescribe:

Provided, That when such original check does not exceed in amount the sum of \$50 and the payee or owner is, at the date of the application, an officer or employee in the service of the Post Office Department, whether by contract, designation, or appointment, the Postmaster General may, in lieu of an indemnity bond, authorize the issuance of a substitute check or warrant upon such an affidavit as he may prescribe, to be made before any postmaster by the payee or owner of an original check.

(e) Substitutes, marked as hereinabove provided, drawn on the Treasurer of the United States, shall, after the lapse of the period fixed by section 21 of the Permanent Appropriation Repeal Act, 1934 (48 Stat. 1235; U. S. C., 1934 edition, title 31, sec. 725 (t)), for the payment of the original checks, be payable only as the original checks

would be payable thereunder.

(f) The term "original check" wherever used in this section means any check, warrant, or other order for the payment of money, payable upon demand and not bearing interest, drawn by a duly authorized officer or agent of the United States, the District of Columbia, or the District Unemployment Compensation Board, on their behalf against an account or funds of the United States, the District of Columbia, or the District Unemployment Compensation Board, including instruments issued by any corporation or other entity owned or controlled by the United States, the funds of which are deposited and covered into the Treasury of the United States or deposited with the Treasurer of the United States, but does not include money, coins, or currency of the United States; as used in subsection (d) of this section it means such an instrument drawn by a duly authorized officer or employee of the Post Office Depart-(R. S., sec. 3646; Feb. 16, 1885, 23 Stat. 306; Mar. 23, 1906, 34 Stat. 84; June 19, 1906, 34 Stat. 301; May 27, 1908, 35 Stat. 415; Feb. 23, 1909, 35 Stat. 643; Mar. 21, 1916, 39 Stat. 37; July 8, 1937, sec. 9, 50 Stat. 482; Aug. 10, 1939, secs. 5, 6, and 7, 53 Stat. 1359; 31 U. S. C., sec. 528. See par. No. 1704, Laws Applicable, 1935, which has been amended to read as above.)

1712-1. Restriction on delivery of Government checks to foreign addresses.—That hereafter no check or warrant drawn against funds of the United States, or any agency or instrumentality thereof, shall be sent from the United States (including its Territories and possessions and the Commonwealth of the Philippine Islands) for delivery in a foreign country in any case in which the Secretary of the Treasury determines that postal, transportation, or banking facilities in general, or local conditions in the country to which such check or warrant is to be delivered, are such that there is not a reasonable assurance that the payee will actually receive such check or warrant and be able to negotiate the same for full value (Oct. 9, 1940; Sec.

1, 54 Stat. 1086.)

1712-2. Same; future delivery of checks subject to determinations of Secretary of the Treasury.—Any check or warrant, the sending of which is prohibited under the provisions of section 1 hereof, shall be held by the drawer until the close of the calendar quarter next following its date, during which period such check or warrant may be released for delivery if the Secretary of the Treasury determines that conditions have so changed as to provide a reasonable assurance that the

pavee will actually receive the check or warrant and be able to negotiate it for full value. At the end of such quarter, unless the Secretary of the Treasury shall otherwise direct, the drawer shall transmit all checks and warrants withheld in accordance with the provisions of this Act to the drawee thereof, and forward a report stating fully the name and address of the payee; the date, number, and amount of the check or warrant; and the account against which it was drawn, to the Bureau of Accounts of the Treasury Department. The amounts of such undelivered checks and warrants so transmitted shall thereupon be transferred by the drawee from the account of the drawer to a special deposit account with the Treasurer of the United States entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks," at which time such checks and warrants shall be marked "Paid into Withheld Foreign Check Account". Thereafter the drawee shall deliver such checks and warrants, together with other paid checks and warrants, to the Comptroller General of the United States, who shall allow credit therefor in the accounts of the drawer. and the drawee. * * * (Oct. 9, 1940; Sec. 2, 54 Stat. 1086.)

Payment of the amounts which have been deposited in the special deposit account.—Payment of the amounts which have been deposited in the special deposit account in accordance with section 2 hereof shall be made by checks drawn against such special deposit account by the Secretary of the Treasury, only after the claimant shall have established his right to the amount of the check or warrant to the satisfaction of the Secretary of the Treasury (or, in the case of claims based upon checks representing payments under laws administered by the Veterans' Administration, to the satisfaction of the Administrator of Veterans' Affairs) and the Secretary of the Treasury has determined that there is a reasonable assurance that the claimant will actually receive such check in payment of his claim and be able to negotiate the same for full value. * * * (Oct. 9, 1940; Sec. 3, 54 Stat. 1087.)

1712-4. Same; checks issued pursuant to Executive Order No. 8389 subject to act.—The provisions of sections 2 and 3 hereof shall apply to all checks or warrants the delivery of which is now being, or may hereafter be, withheld pursuant to Executive Order Numbered 8389 of April 10, 1940, as amended, as well as to all checks or warrants the delivery of which is now being withheld pursuant to administrative action, which administrative action is hereby ratified and confirmed: Provided, That any check or warrant the delivery of which has already been withheld for more than one quarter prior to the enactment of this Act shall immediately delivered to the drawee thereof for disposition in accordance with the provisions of sections 2 and 3 hereof: Provided further, That nothing in this Act shall be construed to dispense with the necessity of obtaining a license toauthorize the delivery and payment of checks in payment of claims under section 3 hereof in those cases where a license is now or hereafter may be required by law to authorize such delivery and payment. (Oct. 9, 1940; Sec. 4, 54 Stat. 1087.)

1712-5. Same; Secretary of Treasury to issue regulations.—The Secretary of the Treasury is hereby authorized to prescribe such rules and regulations as he in his discretion may deem necessary or proper for the administration and execution of this Act. (Oct. 9, 1940;

Sec. 5, 54 Stat. 1087.)

1712-6. Same; Savings clause affecting Federal salaries and purchases.—
Nothing contained in this Act shall be construed as affecting or applying to checks or warrants issued in payment of salaries or wages or for goods purchased by the Government of the United States in foreign countries. (Oct. 9, 1940; Sec. 6, 54 Stat. 1087.)

APPROPRIATIONS

1740a. Expenditures from appropriations for private telephone service.— That no money appropriated by this or any other act shall be expended for telephone service installed in any private residence or private apartment or for tolls or other charges for telephone service from private residences or private apartments, except for longdistance telephone tolls required strictly for the public business, and so shown by vouchers duly sworn to and approved by the head of the department, division, bureau, or office in which the official using such telephone or incurring the expense of such tolls shall be employed: Provided, That the cost of installation and use of telephones in residences leased or owned by the Government of the United States in foreign countries for the use of the Foreign Service may be allowed from Government funds, under such regulations as may be prescribed by the Secretary of State, except that the restrictions herein relating to long-distance tolls shall also apply to telephones installed in such official residences. (Aug. 23, 1912, sec. 7, 37 Stat. 414; Apr. 30, 1940, 54 Stat. 175; 31 U.S.C., sec. 679.)

1761-1. Metered services for gas, electricity, water, etc., regarded as charge against appropriation current.—Hereafter, in making payments for commodities or services the quantity of which is determined by metered readings, such as gas, electricity, water, steam, and the like, and for telephone services, where the period covered by the charge begins in one fiscal year or allotment period and ends in another, the entire amount of the payment may be regarded as a charge against the appropriation or allotment current at the end of such period. (Apr. 27, 1937, 50 Stat. 119; Apr. 26, 1939, 53 Stat. 624; 31 U. S. C., 668a.)

1761–2. Long distance telephone tolls; payment from appropriations.—That hereafter no part of this or any other appropriation for any executive department, establishment, or agency shall be used for the payment of long-distance telephone tolls except for the transaction of public business which the interests of the Government require to be so transacted; and all such payments shall be supported by a certificate by the head of the department, establishment, or agency concerned, or such subordinates as he may specially designate, to the effect that the use of the telephone in such instances was necessary in the interest of the Government. (May 10, 1939, sec. 4, 53 Stat. 738; 31 U. S. C., sec. 680a.)

1761-3. Revolving fund created for purpose of permanent rehabilitation in Puerto Rico; operation of administrative agencies.—That all sums which the President has segregated or allotted or shall segregate or allot for projects in Puerto Rico out of the money appropriated by the Emergency Relief Appropriation Act of 1935 shall constitute a special

fund to provide relief and work relief and to increase employment in Puerto Rico. The fund thus established shall continue available for expenditure until June 30, 1940. All income derived from operations financed out of this fund and the proceeds of the disposition of property acquired therewith shall constitute a revolving fund, which shall remain available for expenditure for the purposes and in the manner authorized herein and in the Emergency Relief Appropriation Act of 1935 until Congress shall provide otherwise, notwithstanding any limitation of time contained in the said Emergency Relief Appropriation Act of 1935. Any agency or agencies lawfully designated or established to administer funds allotted hereunder or the revolving fund herein authorized may be continued so long as the said funds or any of them remain available for expenditure.

Projects for rural rehabilitation in Puerto Rico may include the acquisition, development, maintenance, and operation of agricultural enterprises. A reasonable charge may be made for materials and services produced or made available by any project: *Provided*, That such materials and services may also be supplied as compensation, in whole or in part, for services rendered by persons employed upon any

project. (Feb. 11, 1936, sec. 1, 49 Stat. 1135.)

1761-4. Hurricane insurance authorized for Puerto Rican agriculturists; restrictions; premiums.—Notwithstanding the provisions of section 15 (f) of the Agricultural Adjustment Act, as amended by section 8 of the Act of May 9, 1934, or any action taken thereunder, all or any part of the unobligated balance of taxes heretofore or hereafter collected from the processing of sugar beets or sugarcane in Puerto Rico and/or upon the processing in continental United States of sugar produced in or coming from Puerto Rico are hereby authorized, in the discretion of the President, to be transferred to the revolving fund authorized by this Act. Not exceeding \$10,000,000 of this fund may, in the discretion of the President, be set aside in the Treasury for use as an insurance fund to insure individual agriculturists in Puerto Rico, but to the extent only of such insurance fund and its accretions, against damage by hurricane to their farm dwellings and farm buildings, growing crops, plants and trees, including trees used as shade for growing crops, warehouses and produce in barns and warehouses: Provided, That said fund may be so employed only during such periods as the Secretary of the Interior shall find and determine that commercial insurance is not available, and at premiums sufficiently high to keep the principal of the original insurance fund intact, and policies of insurance shall be issued hereunder only pursuant to such terms and premium rates as the Secretary of the Interior shall prescribe by regulations duly promulgated. Until otherwise provided by law all moneys collected as premiums on such insurance or otherwise in connection with the administration of such fund or the operation of such insurance activity shall constitute accretions to the fund and shall be held, together with the original insurance fund and all additions thereto, as a revolving fund for the purposes of such insurance. (Feb. 11, 1936, sec. 2, 49 Stat. 1135.)

1761-5. Advance payments available for obligation only until expiration of appropriation from which made.—After June 30, 1936, advance payments under the provisions of Title VI, Part II, of the Legislative Appropriation Act for the fiscal year 1933, shall have no longer

period of availability for obligation than the appropriation from which such advance payments are made. (June 22, 1936, Title IV, sec. 8, 49 Stat. 1648.)

NATIONAL GUARD

1764-1. President authorized to order reservists into active military service.—That during the period ending June 30, 1942, the President be, and is hereby, authorized from time to time to order into the active miltary service of the United States for a period of twelve consecutive months each, any or all members and units of any or all reserve components of the Army of the United States (except that any person in the National Guard of the United States under the age of 18 years so ordered into the active military service shall be immediately issued an honorable discharge from the National Guard of the United States), and retired personnel of the Regular Army, with or without their consent, to such extent and in such manner as he may deem necessary for the strengthening of the national defense: Provided, That the members and units of the reserve components of the Army of the United States ordered into active Federal service under this authority shall not be employed beyond the limits of the Western Hemisphere except in the territories and possessions of the United States, including the Philippine Islands. (Aug. 27, 1940, Sec. 1, 54 Stat. 858.)

1764-2. Same; provisions for reinstatement to Government position fol-

lowing active duty.-

(b) In the case of any such person who, in order to perform such active duty or such service, has left or leaves a position, other than a temporary position, in the employ of any employer and who (1) receives such certificate, (2) is still qualified to perform the duties of such position, and (3) makes application for reemployment within forty days after he is relieved from such active duty or service—

(Å) if such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position

of like seniority, status, and pay;

(C) if such position was in the employ of any State or political subdivision thereof it is hereby declared to be the sense of the Congress that such person should be restored to such position or to a position

of like seniority, status, and pay.

(c) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) shall be considered as having been on furlough or leave of absence during his period of active military service, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was ordered into such service, and shall not be discharged from such position without cause within one year after such restoration.

(Aug. 27, 1940, Sec. 3, 54 Stat. 859, as amended, Sept. 16, 1940, Sec. 8 (d), 54 Stat. 891.)

NAVIGATION AND NAVIGABLE WATERS

FLOOD CONTROL

Note.—The Flood Control Legislation reproduced below is arranged in the same manner in which it appears in Supplement V of the United States Code, and only that part of the legislation relating to the Department of Agriculture is included herein. For complete references consult either the several flood control acts seriatim, or 33 U.S.C., chapter 15.

1765-1. Declaration of policy.—It is hereby recognized that destructive floods upon the rivers of the United States, upsetting orderly processes and causing loss of life and property, including the erosion of lands, and impairing and obstructing navigation, highways, railroads, and other channels of commerce between the States, constitute a menace to national welfare; that it is the sense of Congress that flood control on navigable waters or their tributaries is a proper activity of the Federal Government in cooperation with States, their political subdivisions, and localities thereof; that investigations and improvements of rivers and other waterways, including watersheds thereof, for flood-control purposes are in the interest of the general welfare; that the Federal Government should improve or participate in the improvement of navigable waters or their tributaries, including watersheds thereof, for flood-control purposes if the benefits to whomsoever they may accrue are in excess of the estimated costs, and if the lives and social security of people are otherwise adversely affected. (June 22, 1936, sec. 1, 49 Stat. 1570;

33 U. S. C., sec. 701a.)

1765-2. Same; supervision of Secretary of War and Secretary of Agriculture; reclamation projects unaffected.—That, hereafter, Federal investigations and improvements of rivers and other waterways for flood control and allied purposes shall be under the jurisdiction of and shall be prosecuted by the War Department under the direction of the Secretary of War and supervision of the Chief of Engineers, and Federal investigations of watersheds and measures for run-off and waterflow retardation and soil erosion prevention on watersheds shall be under the jurisdiction of and shall be prosecuted by the Department of Agriculture under the direction of the Secretary of Agriculture, except as otherwise provided by Act of Congress; and that in their reports upon examinations and surveys, the Secretary of War and the Secretary of Agriculture shall be guided as to flood-control measures by the principles set forth in section 1 in the determination of the Federal interests involved: Provided, That the foregoing grants of authority shall not interfere with investigations and river improvements incident to reclamation projects that may now be in progress or may be hereafter undertaken by the Bureau of Reclamation of the Interior Department pursuant to any general or specific authorization of law. (June 22, 1936, sec. 2, 49 Stat. 1570; June 28, 1938, sec. 1, 52 Stat. 1215; 33 U. S. C., sec. 701b.)

1765-3. Same.—That, in order to further the declaration of policy and principles declared in sections 1 and 2 of the Flood Control Act approved June 22, 1936, and to supplement the preliminary examinations and surveys which the Secretary of War has heretofore been authorized and directed to make of waterways with a view to the control of their floods, the Secretary of Agriculture be, and he is

hereby, authorized and directed to cause preliminary examinations and surveys to be made for run-off and water-flow retardation and soilerosion prevention on the watersheds of said waterways, the costs thereof to be paid from appropriations heretofore or hereafter made for such purposes. (Aug. 28, 1937, sec. 3, 50 Stat. 877; 33 U. S. C.,

sec. 701b note.)

1765-4. Same.—That, hereafter, Federal investigations and improvements of rivers and other waterways for flood control and allied purposes shall be under the jurisdiction of and shall be prosecuted by the War Department under the direction of the Secretary of War and supervision of the Chief of Engineers, and Federal investigations of watersheds and measures for run-off and waterflow retardation and soil erosion prevention on watersheds shall be under the jurisdiction of and shall be prosecuted by the Department of Agriculture under the direction of the Secretary of Agriculture, except as otherwise provided by Act of Congress. (June 22, 1936, sec. 2, 49 Stat. 1570; June 28, 1938, sec. 1, 52 Stat. 1215; 33 U. S. C., sec. 701b—note.)

1765-5. Appropriation authorized; transfer of jurisdiction in certain cases to Department of Agriculture.-That in order to effectuate the policy declared in sections one and two of the Act of June 22, 1936 (Public, Numbered 738, Seventy-fourth Congress), and to correlate the program for the improvement of rivers and other waterways by the Department of War with the program for the improvement of watersheds by the Department of Agriculture, works of improvement for measures of run-off and water-flow retardation and soil-erosion prevention on the watersheds of waterways, for which works of improvement for the benefit of navigation and the control of destructive floodwaters and other provisions have been adopted and authorized to be prosecuted under the direction of the Secretary of War and supervision of the Chief of Engineers, are hereby authorized to be prosecuted by the Department of Agriculture under the direction of the Secretary of Agriculture and in accordance with plans approved by him. For prosecuting said work and measures there is hereby authorized to be appropriated the sum of \$10,000,000 to be expended at the rate of \$2,000,000 per annum during the five-year period ending June 30, 1944: Provided, That such works and measures which are herein authorized to be prosecuted by the Department of Agriculture may be carried out on the watersheds of the Rio Grande and Pecos Rivers subject to the proviso in section 2 of the said Act of June 22, (June 28, 1938, sec. 7, 52 Stat. 1225; 33 U. S. C., sec. 701b-1.)

1765-6. Same; cooperation by Secretaries of War and Agriculture; expenditures.—That, in carrying out the purposes of this Act, the Secretary of War and the Secretary of Agriculture are hereby authorized to cooperate with institutions, organizations, and individuals, and to utilize the services of Federal, State, and other public agencies, and to pay by check to the cooperating public agency, either in advance or upon the furnishing or performance of said services, all or part of the estimated or actual cost thereof; and to make expenditures for personal services and rent in the District of Columbia and elsewhere, for purchase of reference and law books and periodicals, for printing and binding, for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles and motor boats for offi-

cial use, and for other necessary expenses. (June 28, 1938, sec. 5,

52 Stat. 1223; 33 U. S. C., sec. 701b-2.

1765-7. Examinations and surveys; administration of surveys; number authorized; reports.—The Secretary of War is hereby authorized and directed to cause to be performed under the supervision of the Chief of Engineers preliminary examinations and surveys for flood control, including floods aggravated by or due to tidal effect, at the following-named localities, and the Secretary of Agriculture is authorized and directed to cause preliminary examinations and surveys for run-off and water-flow retardation and soil-erosion prevention on the water-sheds of such localities; the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes: * * * (Aug. 11, 1939, sec. 6, 53 Stat. 1415; 33 U. S. C., sec. 701b-4.)

1765-8. Same; rights-of-way, easements, etc.; acquisition by local authorities; maintenance and operation; protection of United States from liability for damages; requisites to run-off and water-flow retardation and soil erosion prevention assistance.—That hereafter no money appropriated under authority of this Act shall be expended on the construction of any project until States, political subdivisions thereof, or other responsible local agencies have given assurances satisfactory to the Secretary of War that they will (a) provide without cost to the United States all lands, easements, and rights-of-way necessary for the construction of the project, except as otherwise provided herein; (b) hold and save the United States free from damages due to the construction works; (c) maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary of War: Provided, That the construction of any dam authorized herein may be undertaken without delay when the dam site has been acquired and the assurances prescribed herein have been furnished, without awaiting the acquisition of the easements and rights-of-way required for the reservoir area: And provided further, That whenever expenditures for lands, easements, and rights-of-way by States, political subdivisions thereof, or responsible local agencies for any individual project or useful part thereof shall have exceeded the present estimated construction cost therefore, the local agency concerned may be reimbursed one-half of its excess expenditures over said estimated construction cost: And provided further, That when benefits of any project or useful part thereof accrue to lands and property outside of the State in which said project or part thereof is located, the Secretary of War with the consent of the State wherein the same are located may acquire the necessary lands, easements, and rights-of-way for said project or part thereof after he has received from the States, political subdivisions thereof, or responsible local agencies benefited the present estimated cost of said lands, easements, and rights-of-way, less one-half the amount by which the estimated cost of these lands, easements, and rights-of-way exceeds the estimated construction cost corresponding thereto: And provided further, That the Secretary of War shall determine the proportion of the present estimated cost of said lands, easements, and rights-of-way that each State, political subdivision thereof, or responsible local agency should contribute in consideration for the benefits to be received by such agencies: And provided further, That whenever not less than 75 per centum of the benefits as estimated by the Secretary of War of any project or useful part thereof accrue to lands and property outside of the State in which said project or part thereof is located, provision (c) of this section shall not apply thereto; nothing herein shall impair or abridge the powers now existing in the Department of War with respect to navigable streams: And provided further, That nothing herein shall be construed to interfere with the completion of any reservoir or flood control work authorized by the Congress and now under way; (d) as a condition to the extending of any benefits, in prosecuting measures for run-off and water-flow retardation and soil erosion prevention authorized by Act of Congress pursuant to the policy declared in this Act, to any lands not owned or controlled by the United States or any of its agencies, the Secretary of Agriculture may, insofar as he may deem necessary for the purposes of such Acts, require—

(1) The enactment and reasonable safeguards for the enforcement of State and local laws imposing suitable permanent restrictions on the use of such lands and otherwise providing for run-off and water-

flow retardation and soil-erosion prevention;

(2) Agreements or covenants as to the permanent use of such lands;

and

(3) Contributions in money, services, materials, or otherwise to any operations conferring such benefits. (June 22, 1936, sec. 3, 49 Stat.

1571; Aug. 28, 1937, sec. 4, 50 Stat. 877; 33 U. S. C., sec. 701c.)

1765-9. Acquirement of titles for certain projects and to lands, easements, rights-of-way; reimbursement of local agencies.—That sections 3 of the Act of June 22, 1936 (Public, Numbered 738, Seventy-fourth Congress), as heretofore amended and as herein further modified, shall apply to all flood control projects, except as otherwise specifically

provided by law.

That in case of any dam and reservoir project, or channel improvement or channel rectification project for flood control, herein authorized or heretofore authorized by the Act of June 22, 1936 (Public Numbered 738, Seventy-fourth Congress), as amended, and by the Act of May 15, 1928 (Public, Numbered 391, Seventieth Congress) as amended by the Act of June 15, 1936 (Public, Numbered 678, Seventyfourth Congress), as amended, title to all lands, easements, and rightsof-way for such project shall be acquired by the United States or by States, political subdivisions thereof or other responsible local agencies and conveyed to the United States, and provisions (a), (b), and (c) of section 3 of said Act of June 22, 1936, shall not apply thereto. Notwithstanding any restrictions, limitations, or requirement of prior consent provided by any other Act, the Secretary of War is hereby authorized and directed to acquire in the name of the United States title to all lands, easements, and rights-of-way necessary for any dam and reservoir project or channel improvement or channel rectification project for flood control, with funds heretofore or hereafter appropriated or made available for such projects, and States, political subdivisions thereof, or other responsible local agencies, shall be granted and reimbursed, from such funds, sums equivalent to actual expenditures deemed reasonable by the Secretary of War and the Chief of Engineers and made by them in acquiring lands, easements, and rights-of-way for any dam and reservoir project, or any channel improvement or channel rectification project for flood control heretofore or herein authorized: Provided, That no reimbursement shall be made for any indirect or speculative damages: Provided further, That lands, easements and rights-of-way shall include lands on which dams, reservoirs, channel improvements, and channel rectifications are located; lands or flowage rights in reservoirs and highway, railway, and utility relocation. Provided further, That in all cases of the acquisition hereunder by the United States from the Los Angeles County Flood Control District or the Muskingum Watershed Conservancy District of lands, easements, or rights-of-way, wherein the written opinion of the Attorney General in favor of the validity of the title to such lands. easements, or rights-of-way is or may be required or authorized by law, the Attorney General may, in his discretion, base such opinion upon a certificate of title of the district from which said lands, easements, or rights-of-way are to be acquired accompanied by an agreement, duly executed by the district in conformity with the constitutions and laws of the State where the district in question is situated to indemnify the United States against all claims, liabilities, loss, expenses, and attorneys' fees of whatsoever kind or nature, resulting from or arising out of any defect or defects whatsoever in the title to any such lands, easements, or rights-of-way so conveyed to the United States, including all just compensation, costs, and expenses which may be incurred in any condemnation proceeding deemed necessary and instituted by the United States in order to perfect title to any such lands, easements, or rights-of-way. (June 28, 1938, sec. 2, 52 Stat. 1215; Aug. 11, 1939, sec. 5, 53 Stat. 1415; 33 U. S. C., sec. 701c-1.)

1765-10. Consent of Congress for States to enter into compacts relating to flood control.—The consent of Congress is hereby given to any two or more States to enter into compacts or agreements in connection with any project or operation authorized by this Act for flood control or the prevention of damage to life or property by reason of floods upon any stream or streams and their tributaries which lie in two or more such States, for the purpose of providing, in such manner and such proportion as may be agreed upon by such States and approved by the Secretary of War, funds for construction and maintenance, for the payment of damages, and for the purchase of rights-of-way, lands, and easements in connection with such project or operation. No such compact or agreement shall become effective without the further consent or ratification of Congress, except a compact or agreement which provides that all money to be expended pursuant thereto and all work to be performed thereunder shall be expanded and performed by the Department of War, with the exception of such reasonable sums as may be reserved by the States entering into the compact or agreement for the purpose of collecting taxes and maintaining the necessary State organizations for carrying out the compact or agreement.

1936, sec. 4, 49 Stat. 1571; 33 U. S. C., sec. 701d.)

1765-11. Effect of Act of June 22, 1936, on provisions for Mississippi River and other projects.—Nothing in this Act shall be construed as repealing or amending any provision of the Act entitled "An Act for the control of floods on the Mississippi River and its tributaries, and for other purposes", approved May 15, 1928, or any provision of any law amendatory thereof. The authority conferred by this Act and any funds appropriated pursuant thereto for expenditure are supplemental to all other authority and appropriations relating to the de-

partments or agencies concerned, and nothing in this Act shall be construed to limit or retard any department or agency in carrying out similar and related activities heretofore or hereafter authorized, or to limit the exercise of powers conferred on any department or agency by other provisions of law is * carrying out similar and related activities. (June 22, 1936, sec. 8, 49 Stat. 1596; 33 U. S. C., sec. 701e.)

1765–12. Appropriation: payment of employees from funds of Works Progress Administration.—The sum of \$310,000,000 is authorized to be appropriated for carrying out the improvements herein and the sum of \$10,000,000 is authorized to be appropriated and expended in equal amounts by the Departments of War and Agriculture for carrying out any examinations and surveys provided for in this Act and other Acts of Congress: Provided, That not more than \$50,000,000 of such sum shall be expended during the fiscal year ending June 30, 1937: Provided further, That for the relief of unemployment, in addition to the regular appropriation, persons may be employed on such works of improvement and the compensation of said persons when so employed shall be paid from the funds available to the Works Progress Administration for the continuance of relief and work relief on useful projects. (June 22, 1936, sec. 9, 49 Stat. 1596; 33 U. S. C., sec. 701f.)

[Localities at which preliminary examinations and surveys are authorized to be made are listed in Act June 22, 1936, sec. 6, 49 Stat. 1592; Act Aug. 28, 1937, sec. 5, 50 Stat. 877; and Act June 28, 1938, sec. 6, 52 Stat. 1223.

Localities at which the continuance of examinations and surveys already undertaken is authorized are listed in Act June 22, 1936,

sec. 7, 49 Stat. 1596.

Works of improvement adopted and authorized to be prosecuted are listed in section 5 of Act June 22, 1936, 49 Stat. 1596, as amended or supplemented by Act Aug. 28, 1937, sec. 1, 50 Stat. 876, section 4 of Act June 28, 1938, 52 Stat. 1216, and section 4 of Act Aug. 11, 1939, 53 Stat. 1414.]

(June 22, 1936, sec. 6, 49 Stat. 1592; 33 U.S. C., sec. 701f note.)

1765-13. Same; appropriation.—That the sum of \$375,000,000 is hereby authorized to be appropriated for carrying out the improvements herein over the five-year period ending June 30, 1944, and the sum of \$10,000,000 additional is authorized to be appropriated and expended in equal amounts by the Departments of War and Agriculture for carrying out any examinations and surveys provided for in this Act and any other Acts of Congress, to be prosecuted by said Departments. The sum of \$1,500,000 additional is authorized to be appropriated and expended by the Federal Power Commission for carrying out any examinations and surveys provided for in this Act or any other Acts of Congress, to be prosecuted by the said Federal Power Commission. (June 28, 1938, sec. 9, 52 Stat. 1226; 33 U. S. C., sec. 701f-1.)

1765-14. Use of properties within floodways for National forests or wild life refuges.—* * * And provided further, That if the Secretary of Agriculture shall determine to acquire any of the properties within the floodways herein referred to, for national forests, wildlife refuges,

^{*}So in original.

or other purposes of his Department, the Secretary of War may, upon recommendation by the Chief of Engineers, in lieu of acquiring flowage rights, advance to or reimburse the said Secretary of Agriculture sums equal to those that would otherwise be used for the purchase of easements desired by the War Department and the Secretary of Agriculture is authorized to use these sums for the purpose of acquiring properties in the floodways in question. (June 15, 1936, sec. 12, 49 Stat. 1512; 33 U. S. C., sec. 702a-10.)

1765-15. Separability clause.—If any provision of this Act, or the application thereof, to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby. (June

15, 1936, sec. 14, 49 Stat. 1513; 33 U. S. C., sec. 702k-2.)

NAVY

NAVAL PROPERTY, STORES, SUPPLIES, AND CONTRACTS

1766-1. Procurement and sale of stores to officers and men and to civilian employees.—That hereafter such stores as the Secretary of the Navy may designate may be procured and sold to officers and enlisted men of the Navy, Marine Corps, and Coast Guard; to the widows of such officers and enlisted men; and to civilian officers and employees of the United States at naval stations and post exchanges beyond the continental limits of the United States or in Alaska, under such regulations as the Secretary of the Navy may prescribe. (Mar. 3, 1909, 35-Stat. 768; Apr. 14, 1937, 50 Stat. 63; June 10, 1939, 53 Stat. 814; 34 U. S. C., sec. 533.)

THE MARINE CORPS

1766-2. Relief of sailors or marines discharged from the Navy or Marine Corps during the Spanish-American War, the Philippine Insurrection, and the Boxer uprising because of minority or misrepresentation of age. - That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged members of the military or naval forces of the United States, their widows and dependent children, a member of the Navy or Marine Corps who was enlisted between April 21, 1898, and July 4, 1902, both dates inclusive, and who was discharged for fraudulent enlistment because of minority or misrepresentation of age, shall hereafter be held and considered to have been honorably discharged from the Navy or Marine Corps on the date of his actual separation therefrom, if his service otherwise was such as would have entitled him to an honorable discharge: Provided, That no back pay or allowance shall accrue by reason of the passage of this Act: Provided further, That in all such cases the Navy Department shall, upon request, grant to such individual, his widow or next of kin a discharge certificate showing that such former member of the Navy or Marine Corps is held and considered to have been honorably discharged under the provisions of this Act. 22, 1938, 52 Stat. 940; 34 U. S. C., sec. 161a and sec. 696.)

NAVAL RESERVE AND MARINE CORPS RESERVE

1767-1. Naval Reserve established under Act of February 28, 1925, abolished; new Naval Reserve created.—The Naval Reserve established under the Act of February 28, 1925, is hereby abolished, and in lieu thereof there is hereby created and established, as a component part of the United States Navy, a Naval Reserve which shall consist of the Fleet Reserve, the Organized Reserve, the Merchant Marine Reserve, and the Volunteer Reserve: * * *. (June 25, 1938, sec.)

1, 52 Stat. 1175; 34 U. S. C., sec. 853.)

1767-2. Marine Corps Reserve established under Act of February 28, 1925 abolished and new Marine Corps Reserve created.—The United States Marine Corps Reserve established under the Act of February 28, 1925, is hereby abolished, and in lieu thereof there is hereby created and established as a component part of the United States Marine Corps, a Marine Corps Reserve under the same provisions in all respects (except as may be necessary to adapt said provisions to the Marine Corps) as those contained in this Act or which may hereafter be enacted providing for the Naval Reserve: Provided, That the Marine Corps Reserve shall consist of the Fleet Marine Corps Reserve, the Organized Marine Corps Reserve, and the Volunteer Marine Corps Reserve, corresponding, as near as may be, to similar classes of the Naval Reserve. (June 25, 1938, sec. 2, 52 Stat.

1175; 34 U. S. C., sec. 853a.)

1767-3. Composition of the Naval Reserve. - The Naval Reserve shall be composed of male citizens of the United States and of the insular possessions of the United States who have attained the age of seventeen years and who, by appointment or enlistment therein under regulations prescribed by the Secretary of the Navy or by transfer thereto as in this Act provided, obligate themselves to serve in the Navy in time of war or when in the opinion of the President a national emergency exists: Provided, That female registered nurses may be appointed in the Volunteer Reserve under regulations prescribed by the Secretary of the Navy: Provided further, That no officer or man of the Naval Reserve shall be a member of any other naval or military organization except the Naval Militia: And provided further, That no existing law shall be construed to prevent any member of the Naval Reserve from accepting employment in any civil branch of the public service nor from receiving the pay and allowances incident to such employment in addition to any pay and allowances to which he may be entitled under the provisions of this Act, nor as prohibiting him from practicing his civilian profession or occupation before or in connectnon with any department of the Federal Government. (June 25, 1938, sec. 4, 52 Stat. 1176; 34 U. S. C., sec. 853b.)

1767-4. Government officers and employees in Naval Reserve; leave of absence privileges.—The Secretary of the Navy shall prescribe all necessary and proper regulations, not inconsistent with the provisions of this Act, for the recruiting, organization, government, administration, training, inspection, and mobilization of the Naval Reserve, and shall detail such officers and enlisted men of the Regular Navy and the Naval Reserve, and shall make available such vessels, ma-

terial, armament, equipment, and other facilities of the Regular Navy as he may deem necessary and advisable for the development of the Naval Reserve in accordance with the provisions of this Act: Provided, That all officers and employees of the United States or of the District of Columbia who are members of the Naval Reserve shall be entitled to leave of absence from their respective duties without loss of pay, time, or efficiency rating on all days during which they may be employed with or without pay under the orders or authorization of competent authority, on training duty for periods not to exceed fifteen days in any one calendar year. (June 25, 1938, sec. 9, 52 Stat. 1177; 34 U. S. C., sec. 853g.)

1767-5. Reservists subject to Government of the Navy while employed on active or training duty.—All members of the Naval Reserve, when employed on active duty, authorized training duty, with or without pay, drill, or other equivalent instruction or duty, or when employed in authorized travel to or from such duty, or appropriate duty, drill, or instruction, or during such time as they may by law be required to perform active duty, or while wearing a uniform prescribed for the Naval Reserve, shall be subject to the laws, regulations, and orders for the government of the Navy: Provided, That disciplinary action for an offense committed while subject to the laws, regulations, and orders for the government of the Navy shall not be barred by reason of release from duty status of any person charged with the commission thereof: Provided further, That for the purpose of carrying the provisions of this section into effect, members of the Naval Reserve may be retained on or returned to a duty status without their consent, but not for a longer period of time than may be required for disciplinary action. (June 25, 1938, Title III, sec. 301, 52 Stat. 1180; 34 U. S. C., sec. 855.)

PATENTS

1768a. Inventions patentable.—Any person who has invented or discovered any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvements thereof, or who has invented or discovered and asexually reproduced any distinct and new variety of plant, other than a tuber-propagated plant, not known or used by others in this country before his invention or discovery thereof, and not patented or described in any printed publication in this or any foreign country, before his invention or discovery thereof, or more than one year prior to his application, and not in public use or on sale in this country for more than one year prior to his application, unless the same is proved to have been abandoned, may, upon payment of the fees required by law, and other due proceeding had, obtain a patent therefor. (R. S., secs. 4886, 4887, 4920, and 4929; Mar. 3. 1897, sec. 1, 29 Stat. 692; May 23, 1930, sec. 1, 46 Stat. 376; Aug. 5, 1939, sec. 1, 53 Stat. 1212; 35 U. S. C., sec. 31.)

[The words "one year" were substituted for the words "two years" in the foregoing paragraph by section 1, 53 Stat. 1212, approved Aug. 5, 1939. Section 2, 53 Stat. 1212, provides the effective date of the changes affected by section 1, and reads as follows:

"This Act shall take effect one year after its approval and shall apply to all applications for patent filed after it takes effect and to all patents granted on such applications: *Provided*, *however*, That all applications for patents filed prior to the time this Act takes effect and all patents granted on such applications are to be governed by the statutes in force at the time of approval of this Act as if such statutes had not been amended."]

PATRIOTIC SOCIETIES AND OBSERVANCES

MISCELLANEOUS

1781-1. Display of flag on buildings on last Sunday in September.—That the President of the United States is hereby authorized and requested to issue a proclamation calling upon the Government officials to display the United States flag on all Government buildings, and the people of the United States to display the flag and to hold appropriate meetings at their homes, churches, or other suitable places, on the last Sunday in September, as a public expression of the love, sorrow, and reverence of the people of the United States for the American Gold Star Mothers. (June 23, 1936, sec. 1, 49 Stat. 1895; 36 U. S. C., sec. 147.)

1781-2. Last Sunday in September designated as Gold Star Mother's Day.—That the last Sunday in September shall hereafter be designated and known as "Gold Star Mother's Day", and it shall be the duty of the President to request its observance as provided for in this resolution. (June 23, 1936, sec. 2, 49 Stat. 1895; 36 U. S. C., sec. 148.)

1781-3. April thirteenth for commemoration of Thomas Jefferson's birth.—The President of the United States of America is authorized and directed to issue a proclamation calling upon officials of the Government to display the flag of the United States on all Government buildings on April 13 of each year, and inviting the people of the United States to observe the day in schools and churches, or other suitable places with appropriate ceremonies in commemoration of the birth of Thomas Jefferson. (Aug. 16, 1937, 50 Stat. 668; 36 U. S. C., sec. 149.)

1781-4. August nineteenth as Aviation Day.—That the President of the United States is authorized to designate August 19 of each year as National Aviation Day, and to issue a proclamation calling upon officials of the Government to display the flag of the United States on all Government buildings on that day, and inviting the people of the United States to observe the day with appropriate exercises to further and stimulate interest in aviation in the United States.

(May 11, 1939, 53 Stat. 739; 36 U. S. C., sec. 151.)

THE POSTAL SERVICE

THE FRANKING PRIVILEGE

1791-1. Restriction on privilege of executive departments and independent establishments; reports of free mail.—On and after July 1, 1939, no executive department or independent establishment of the Government shall transmit through the mail, free of postage, any book,

report, periodical, bulletin, pamphlet, list, or other article or document (except official letter correspondence, including such enclosures as are reasonably related to the subject matter of the correspondence; informational releases in connection with the decennial census of the United States, mail concerning the sale of Government securities. and all forms and blanks and copies of statutes, rules, regulations, and instructions and administrative orders and interpretations necessarv in the administration of such departments and establishments), unless a request therefor has been previously received by such department or independent establishment; or such transmission is required by law; or such document is transmitted to inform the recipient thereof of the adoption, amendment, or interpretation of a statute, rule, regulation, or order to which he is subject. For each quarter, beginning with the quarter commencing July 1, 1939, the head of each independent establishment and executive department (other than the Post Office Department) shall submit to the Postmaster General, within thirty days after the close of the quarter, a statement of the weight of the mail matter by classes of mail that the independent establishment or department has transmitted free of postage during such quarter, and he shall also certify to the Postmaster General at the end of each such quarter that nothing was transmitted through the mail free of postage by the independent establishment or department in violation of the provisions of this section: Provided. That nothing herein shall be construed to prohibit the mailing free of postage of lists of agricultural bulletins, lists of public documents which are offered for sale by the Superintendent of Documents, or of announcements of publications of maps, atlases, statistical, and other reports offered for sale by the Federal Power Commission as authorized by section 312 of the Federal Power Act: Provided further, That this prohibition shall not apply to the transmission of such books, reports, periodicals, bulletins, pamphlets, lists, articles, or documents to educational institutions or public libraries, or to Federal, State, or other public authorities. (May 6, 1939, sec. 6, 53 Stat. 683, as amended June 30, 1939, sec. 2, 53 Stat. 989; 39 U. S. C., sec. 321b.)

PUBLIC BUILDINGS, PROPERTY, AND WORKS

NATIONAL ARCHIVES

1817b-1. National Archives seal; admissibility of copies of documents in custody of Archivist when properly authenticated.—The National Archives shall have an official seal, which shall be judicially noticed.

The Archivist of the United States may make or reproduce and furnish authenticated or unauthenticated copies of any of the documentary, photographic or other archives or records in his custody that are not exempt from the examination as confidential or protected by subsisting copyright, and may charge therefor a fee sufficient to cover the cost or expenses thereof. There shall be no charge for the making or authentication of such copies or reproductions furnished to any department or other agency of the Government for official use. When any such copy or reproduction furnished under the terms hereof is authenticated by the official seal of the National Archives and certified

by the Archivist of the United States, or in his name attested by the head of any office or the chief of any division of The National Archives designated by the Archivist with such authority, it shall be admitted in evidence equally with the original from which it was made. (June 19, 1934, sec. 8, 48 Stat. 1123; June 22, 1936, 49 Stat. 1821; 40 U. S. C., sec. 238.)

1819. Title to land to be purchased by United States.—No public money shall be expended upon any site or land purchased by the United States for the purposes of erecting thereon any armory, arsenal, fort, fortification, navy yard, customhouse, lighthouse, or other public building of any kind whatever, until the written opinion of the Attorney General shall be had in favor of the validity of the title.

Notwithstanding the provisions of this or any other law, whenever the average value of any lands or interests in land to be acquired by or on behalf of the United States under a single option or contract of sale does not exceed \$10 per acre (hereinafter referred to as "low-value lands"), the title may be accepted subject to such infirmities as, in the opinion of the Attorney General, may, without jeopardizing the interests of the United States, be left for removal by condemnation or other appropriate proceedings, if and when necessary: Provided, That the total value of any lands or interests to be acquired under a single option or contract of sale subject to an infirmity does not exceed \$3,500. No public money shall hereafter be expended for the acquisition of such low-value lands or interests in land by or on behalf of the United States for any purpose until the written opinion of the Attorney General has been had approving the title subject, if expedient, to infirmities as herein provided. However, no money in excess of \$2,500 shall be expended for the construction of buildings, works, or other improvements (except roads, trails, and fire-protection improvements) on any site, tract, or parcel of land the title to which is subject to infirmities, until the written opinion of the Attorney General in favor of the validity of the title has been had as in the case of other lands. For the purpose of this Act, values of lands and interests in land shall be determined by the consideration paid or to

The Attorney General is hereby authorized to approve the title to easements or rights-of-way to be acquired by or on behalf of the United States, subject to such infirmities as, in his opinion, will not

jeopardize the interests of the United States.

Nothing in this Act shall be construed to limit the authority now or hereafter delegated to any officer in exercising the power of eminent domain for or on behalf of the United States, to take title to or possession of or to expend money for or upon any land or interest in land, or to expend money as security for an ultimate award in advance of final judgment in any proceedings to determine just compensation; nor shall this Act be construed to preclude any acquiring agency from expending money for the erection of any preliminary and temporary structure upon any land.

The head or other authorized officer of any department, independent establishment, or agency, shall procure any evidence of title which the Attorney General may deem necessary, and the expenses of procurement, except where otherwise authorized by law or provided by contract, may be paid out of the appropriations for the acquisition

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of land or out of the appropriations made for the contingencies of the acquiring department, independent establishment, or agency.

The Attorney General may, in his discretion, base any opinion as to title required either by this Act or any other law upon either or both of the following: Certificates of title of title companies or such

evidence of title as he may deem satisfactory.

The foregoing provisions of this section shall not be construed to affect in any manner any existing provisions of law which are applicable to the acquisition of lands or interests in land by the Tennessee Valley Authority; and nothing in this section shall be construed to affect in any manner any authority which the Secretary of War, the Chief of Engineers, or the Secretary of the Interior have under the provisions of law in force on the date this section as amended takes effect with respect to the approval by them of title to land or interests in land acquired by the War Department or the Department of the Interior, as the case may be. Nor shall the foregoing provisions of this section, or the provisions of any other law, be construed to require any opinion of the Attorney General in connection with the acquisition or improvement of easements and rights-of-way for military or naval purposes; or for the acquisition or improvement of easements and rights-of-way by the Department of Agriculture for forest and other conservation purposes where the cost of any such easement of right-of-way acquired under a single instrument of conveyance and the cost of any improvement thereon does not exceed \$2,500; and the Attorney General may, in his discretion, waive the requirement for his opinion in connection with the acquisition or improvement of easements and rights-of-way for other purposes when, in his opinion, such waiver will not jeopardize the interests of the United States.

Notwithstanding any other provision of law, the obtaining of exclusive jurisdiction in the United States over lands or interests therein which have been or shall hereafter be acquired by it shall not be required; but the head or other authorized officer of any department or independent establishment or agency of the Government may, in such cases and at such times as he may deem desirable, accept or secure from the State in which any lands or interests therein under his immediate jurisdiction, custody, or control are situated, consent to or cession of such jurisdiction, exclusive or partial, not theretofore obtained, over any such lands or interests as he may deem desirable and indicate acceptance of such jurisdiction on behalf of the United States by filing a notice of such acceptance with the Governor of such State or in such other manner as may be prescribed by the laws of the State where such lands are situated. Unless and until the United States has accepted jurisdiction over lands hereafter to be acquired as aforesaid, it shall be conclusively presumed that no such jurisdiction has been accepted. (R. S., sec. 355; June 28, 1930, 46 Stat. 828; Oct. 9, 1940, 54 Stat. 1083; 40 U. S. C., sec. 255.)

PUBLIC BUILDINGS AND WORKS, GENERALLY

1831. Construction, etc., by Treasury Department of buildings for other executive departments or establishments.—The Secretary of the Treasury may, in his discretion, upon the request of the head of any other

executive department, independent establishment, or other Federal agency, cause the Procurement Division, Treasury Department, to carry out the construction of any building or buildings for governmental purposes which any such executive department, establishment, or agency may be authorized to have constructed, including the preparation of plans, drawings, designs, specifications, and estimates, the acquisition of land necessary for sites, the execution of contracts, and supervision of construction: Provided, That funds appropriated to other executive departments, independent establishments, or other Fed. eral agencies for the foregoing purposes shall be available for transfer to and expenditure by the Procurement Division, Treasury Department, in whole or in part, either in reimbursement of the proper appropriations of the Procurement Division, for the cost of such work, or as advances to special accounts for the purpose of providing for the prosecution of said work. (June 25, 1910, sec. 35, 36 Stat. 699; June 15, 1938, 52 Stat. 683; 40 U. S. C., sec. 265.)

1848-1. Compelling return of compensation for public work; kick back; penalty.—That whoever shall induce any person employed in the construction, prosecution, or completion of any public building, public work, or building or work financed in whole or in part by loans or grants from the United States, or in the repair thereof to give up any part of the compensation to which he is entitled under his contract of employment, by force, intimidation, threat of procuring dismissal from such employment, or by any other manner whatsoever, shall be fined not more than \$5,000, or imprisoned not more than five years, or both. (June 13, 1934, sec. 1, 48 Stat. 948; 40 U. S. C., sec.

276b.)

1848-2. Lease of buildings to Government; maximum rental.—Hereafter no appropriation shall be obligated or expended for the rent of any building or part of a building to be occupied for Government purposes at a rental in excess of the per annum rate of 15 per centum of the fair market value of the rented premises at date of the lease under which the premises are to be occupied by the Government nor for alterations, improvements, and repairs of the rented premises in excess of 25 per centum of the amount of the rent for the first year of the rental term, or for the rental term if less than one year: Provided, That the provisions of this section shall not apply to leases heretofore made, except when renewals thereof are made hereafter, nor to leases of premises in foreign countries for the foreign services of the United States: Provided further, That the provisions of this section as applicable to rentals, shall apply only where the rental to be paid shall exceed \$2,000 per annum. (June 30, 1932, sec. 322, 47 Stat. 412; Mar. 3, 1933, Title II, sec. 15, 47 Stat. 1517; 40 U. S. C., sec. 278a.)

1848–3. State Workmen's Compensation Laws extended to United States property within State.—That whatsoever constituted authority of each of the several States is charged with the enforcement of and requiring compliances with the State workmen's compensation laws of said States and with the enforcement of and requiring compliance with the orders, decisions, and awards of said constituted authority of said States hereafter shall have the power and authority to apply such laws to all lands and premises owned or held by the United States of America by deed or act of cession, by purchase or otherwise, which is within the exterior boundaries of any State, and to all projects,

buildings, constructions, improvements, and property belonging to the United States of America, which is within the exterior boundaries of any State, in the same way and to the same extent as if said premises were under the exclusive jurisdiction of the State within whose exterior boundaries such place may be. (June 25, 1936, sec. 1, 49 Stat.

1938; 40 U. S. C., sec. 290.)

1848-4. Rights vested in States; limitations.—For the purposes set out in section 1 of this Act, the United States of America hereby vests in the several States within whose exterior boundaries such place may be, insofar as the enforcement of State workmen's compensation laws are affected, the right, power, and authority aforesaid: Provided, however, That by the passage of this Act the United States of America in nowise relinquishes its jurisdiction for any purpose over the property named, with the exception of extending to the several States within whose exterior boundaries such place may be only the powers above enumerated relating to the enforcement of their State workmen's compensation laws as herein designated: Provided further, That nothing in this Act shall be construed to modify or amend the United States Employees' Compensation Act as amended from time to time (Act of September 7, 1916, 39 Stat. 742, U. S. C., title 5 and supplement, sec. 751, et seq.). (June 25, 1936, sec. 2, 49 Stat. 1939; 40 U. S. C., sec. 290.)

THE PUBLIC PROPERTY

1851-1. Horses and mules unfit for service to be pastured or destroyed.—That notwithstanding the first proviso in the fourth paragraph under the heading "Division of Supply" in title I of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes", approved December 20, 1928 (45 Stat. 1030), horses and mules belonging to the United States which have become unfit for service may be destroyed or put out to pasture, either on the pastures belonging to the United States Government or those belonging to financially sound and reputable humane organizations whose facilities permit them to care for them during the remainder of their natural life, at no cost to the Government. (June 15, 1938, 52 Stat. 693; as amended June 3, 1939, 53 Stat. 808; 40 U. S. C., sec. 311b.)

DISPOSITION OF REAL PROPERTY THROUGH COMMISSIONER OF PUBLIC BUILDINGS

1860. Disposition, control, and use of real property outside District of Columbia by Federal agencies; assignment of space by Commissioner of Public Buildings; sale authorized.—That notwithstanding any other provisions of law, whenever any real property located outside of the District of Columbia, exclusive of military or naval reservations, heretofore or hereafter acquired by any Federal agency, by judicial process or otherwise in the collection of debts, purchase, donation, condemnation, devise, forfeiture, lease, or in any other manner, is, in whole or in part, declared to be in excess of its needs by the Federal agency having control thereof, or by the President on recommendation of the Federal Works Administrator, the Commissioner of Public Buildings, with the approval of the Federal Works Administrator,

is authorized (a) to assign or reassign to any Federal agency or agencies space therein: Provided, That if the Federal agency to which space is assigned does not desire to occupy the space so assigned to it, the decision of the Commissioner of Public Buildings shall be subject to review by the President; or (b) pending a sale, to lease such real property on such terms and for such period not in excess of five years as he may deem in the public interest; or (c) to sell the same at public sale to the highest responsible bidder upon such terms and after such public advertisement as he may deem in the public interest: Provided, That if no bids which are satisfactory as to price and responsibility of bidder are received as a result of such public advertisement, the Commissioner of Public Buildings, with the approval of the Federal Works Administrator, is authorized to sell such property by negotiation, upon such terms as may be deemed to be to the best interest of the Government, but at a price not less that that bid by the highest responsible bidder." (Aug. 27, 1935, sec. 1, 49 Stat. 885; July 18, 1940, secs. 1, 3, 54 Stat. 764, 765;

40 U. S. C., sec. 304a.)

1861. Repairs or alterations authorized to be made by Commissioner of Public Buildings; payment for repairs where appropriation of Procurement Division is inadequate.—Whenever after investigation it is determined by the Commissioner of Public Buildings that any such real property should be used for the accommodation of any Federal agency or agencies, the Commissioner of Public Buildings is authorized to make any repairs thereto or alterations therof which he deems necessary or advisable and to maintain and operate the same. To the extent that the appropriations of the Public Buildings Administration not otherwise allocated are inadequate for such repairs, alterations, maintenance, or operation, the Commissioner of Public Buildings may require each Federal agency to which space has been assigned therein pursuant to the provisions of section 1 of this Act to pay promptly by check to the Public Buildings Administration out of its appropriation for rent, either in advance of or upon or during occupancy of such space, all or part of the estimated or actual cost of such repairs, alterations, maintenance, and operation: Provided, That the total amount so to be paid shall be determined and equitably apportioned by the Commissioner of Public Buildings among the Federal agencies to whom space has been so assigned: Provided further, That the amount so charged against any Federal agency shall be computed at a rate not in excess of that paid as rent by such agency immediately preceding such assignment for space in lieu of which space is so assigned to it, and if it is less the difference shall be deposited in the Treasury as miscellaneous receipts: And provided further, That in the event such space is not assigned in lieu of existing space, the amount so charged shall be computed at a rate not in excess of that which the Commissioner of Public Buildings determines, with the approval of the Federal Works Administrator, would have been paid as rent for corresponding space during the current fiscal year, and if it is less the difference shall be deposited in the Treasury as miscellaneous receipts. If a Federal agency subject to this proviso disagrees with the amount the Commissioner of Public Buildings so determines would have been paid as rent, the determination of the Commissioner of Public Buildings shall be subject to review by the President. (Aug. 27, 1935, sec. 2, 49 Stat. 886; July 18, 1940, sec.

3, 54 Stat. 765; 40 U.S. C., sec. 304b.)

1862. Commissioner of Public Buildings authorized to procure space by lease for periods not in excess of 5 years.—The Commissioner of Public Buildings, with the approval of the Federal Works Administrator, is further authorized to procure space by lease, on such terms and for such period not in excess of five years as he may deem in the public interest, for the housing of any Federal agency or agencies outside of the District of Columbia, except the Post Office Department, and to assign and reassign space therein in the same manner as is authorized with respect to surplus real property by section 1 of this Act, and to require the Federal agencies to whom space is assigned therein to pay the total expenditures required under such lease during its entire term in the manner specified in section 2 of this Act. (Aug. 27, 1935, sec. 3, 49 Stat. 886, July 18, 1940, sec. 3, 54 Stat. 765; 40 U.S. C., sec. 304c.)

1863. Regulations.—The Commissioner of Public Buildings, with the approval of the Federal Works Administrator, is authorized to make such regulations as may be necesary to carry out the provisions of this Act. (Aug. 27, 1935, sec. 4, 49 Stat. 886; July 18, 1940, sec. 3, 54 Stat. 765; 40 U. S. C., sec. 304d.)

1864. Federal agency defined.—The term "Federal agency", as used in this Act, means any executive department, independent establishment, commission, board, bureau, division, or office in the executive branch, or other agency of the United States, including corporations wholly owned by the United States. (Aug. 27, 1935, sec. 5, 49 Stat. 886, July 18, 1940, sec. 3, 54 Stat. 765; 40 U. S. C., sec. 304e.)

1864-1. Same; appropriation authorized to cover costs of disposal; responsibility of Federal agencies prior to acquisition of property by Federal Works Administration.—There are hereby authorized to be appropriated such amounts as may be necessary to cover the costs incident to the sale or lease of real property, or demolition of buildings thereon as hereinafter authorized, which have been or may hereafter be declared surplus to the needs of any Federal agency in accordance with the provisions of this Act, and the care, maintenance, and protection thereof, including, but not limited to pay of employees, travel of Government employees, brokers' fees not in excess of rates paid for similar services in the community where the property is situated, appraisals, photographs, surveys, evidence of title and perfecting of defective titles, advertising, and telephone and telegraph charges: Provided, however, That a Federal agency shall remain responsible for the proper care, maintenance, and protection of the aforesaid property, notwithstanding any declaration that the same is in excess of its needs until such time as custody is assumed by the Federal Works Agency or other disposition is made thereof. (Aug. 27, 1935, 49 Stat. 885, Sec. 6, as added July 18, 1940, Sec. 2, 54 Stat. 764.)

1864-2. Same; conditional demolition of buildings authorized.—The Commissioner of Public Buildings, with the approval of the Federal Works Administrator, is authorized, upon their determination that such action will be to the best interest of the Government, to demolish any building declared surplus to the needs of the Gov-

ernment in accordance with the provisions of this Act: Provided, That before proceeding with the demolition of any building, the Commissioner of Public Buildings shall inform the Secretary of the Interior in writing of his intention to demolish it, and shall not proceed with the demolition until he shall have received written notice from the Secretary of the Interior that said building is not an historic building of national significance within the meaning of the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and quantities of national significance, and for other purposes," approved August 21, 1935 (Public, Numbered 292. Seventy-fourth Congress; 49 Stat. 666): Provided, however, That if the Secretary of the Interior shall fail to notify the Commissioner of Public Buildings of his determination as to whether such building is an historic building of national significance within ninety days of the receipt of the notice of intention to demolish, the Commissioner of Public Buildings may proceed to demolish said building. (Aug. 27, 1935, 49 Stat. 885, Sec. 6, as added July 18, 1940, Sec. 2, 54 Stat. 764.)

EMERGENCY PUBLIC WORKS AND CONSTRUCTION PROJECTS

1869-1. Civil penalties of Eight-Hour Law suspended by overtime pay provisions.—Notwithstanding any other provision of law, the wages of every laborer and mechanic employed by any contractor or subcontractor engaged in the performance of any contract of the character specified in the Act of June 19, 1912 (37 Stat. 138; U. S. C., title 40, secs. 324, 325), shall be computed on a basic day rate of eight hours per day and work in excess of eight hours per day shall be permitted upon compensation for all hours worked in excess of eight hours per day at not less than one and one-half times the basic rate of

pay. (Sept. 9, 1940, Sec. 303, 54 Stat. 884.)

1870-1. Waiver of exclusive jurisdiction over property acquired for resettlement or rural rehabilitation projects.—That the acquisition by the United States of any real property heretofore or hereafter acquired for any resettlement project or any rural-rehabilitation project for resettlement purposes heretofore or hereafter constructed with funds allotted or transferred to the Resettlement Administration pursuant to the Emergency Relief Appropriation Act of 1935, or any other law, shall not be held to deprive any State or political subdivision thereof of its civil and criminal jurisdiction in and over such property, or to impair the civil rights under the local law of the tenants or inhabitants on such property; and insofar as any such jurisdiction has been taken away from any such State or subdivision, or any such rights have been impaired, jurisdiction over any such property is hereby ceded back to such State or subdivision. (June 29, 1936, sec. 1, 49 Stat. 2035; 40 U. S. C., sec. 431.)

1870-2. Payment to State or political subdivision in lieu of taxes; amount.—Upon the request of any State or political subdivision thereof, or any other local public taxing unit, in which any such project, described in section 1, has been or will be constructed, the Resettlement Administration is authorized to enter into an agreement, and to consent to the renewal or alteration thereof, with such State or political subdivision thereof, or other local taxing unit, for the pay-

ment by the United States of sums in lieu of taxes. Such sums shall be fixed in such agreement and shall be based upon the cost of the public or municipal services to be supplied for the benefit of such project or the persons residing on or occupying such premises, but taking into consideration the benefits to be derived by such State or subdivision or other taxing unit from such project. (June 29, 1936,

sec. 2, 49 Stat. 2036; 40 U. S. C., sec. 432.)

1870-3. Payment in lieu of taxes from appropriations for and receipts from projects.—The receipts derived from the operation of such projects, described in section 1, in addition to the moneys appropriated or allocated for such projects, shall be available for such payments in lieu of taxes and for any other expenditures for operation and maintenance (including insurance) of such projects. To provide for such payments and expenditures, the Resettlement Administration is authorized from time to time to retain out of such receipts such sums as it may estimate to be necessary for such purposes. (June 29, 1936, sec. 3, 49 Stat. 2036; 40 U. S. C., sec. 433.)

1870-4. Dedication and grants in connection with projects.—In connection with any such project, described in section 1, the Resettlement Administration, with the approval of the President, is authorized to dedicate land for streets, alleys, and parks, and for any other public use or purpose, and to grant easements. (June 29, 1936, sec. 4, 49

Stat. 2036; 40 U.S. C., sec. 434.)

PUBLIC CONTRACTS

1887a. No transfer of contracts.—No contract or order or any interest therein, shall be transferred by the party to whom such contract or order is given to any other party, and any such transfer shall cause the annulment of the contract or order transferred, so far as the United States are concerned. All rights of action, however, for any breach of such contract by the contracting parties, are reserved to the United States. The provisions of the preceding paragraph shall not apply in any case in which the moneys due or to become due from the United States or from any agency or department thereof, under a contract providing for payments aggregating \$1,000 or more, are assigned to a bank, trust company, or other financing institution, including any Federal lending agency: *Provided*,

1. That in the case of any contract entered into prior to the date of approval of the Assignment of Claims Act of 1940, no claim shall be assigned without the consent of the head of the department or

agency concerned:

2. That in the case of any contract entered into after the date of approval of the Assignment of Claims Act of 1940, no claim shall be assigned if it arises under a contract which forbids such assign-

ment;

3. That unless otherwise expressly permitted by such contract any such assignment shall cover all amounts payable under such contract and not already paid, shall not be made to more than one party, and shall not be subject to further assignment, except that any such assignment may be made to one party as agent or trustee for two or more parties participating in such financing;

4. That in the event of any such assignment, the assignee thereof shall file written notice of the assignment together with a true copy of the instrument of assignment with—

(a) the General Accounting Office,

(b) the contracting officer or the head of his department or agency, (c) the surety or sureties upon the bond or bonds, if any, in connection with such contract, and

(d) the disbursing officer, if any, designated in such contract to

make payment.

Notwithstanding any law to the contrary governing the validity of assignments, any assignment pursuant to the Assignment of Claims Act of 1940 shall constitute a valid assignment for all purposes.

Any contract entered into by the War Department or the Navy Department may provide that payments to an assignee of any claim arising under such contract shall not be subject to reduction or set-off, and if it is so provided in such contract, such payments shall not be subject to reduction or set-off for any indebtedness of the assignor to the United States arising independently of such contract. (July 7, 1862, 12 Stat. 596; R. S., sec. 3737; 41 U. S. C. sec. 15, as amended,

October 9, 1940, sec. 1, 54 Stat. 1029.)

1890a. Interest of Member of Congress.—That the provisions of section 3741 of the Revised Statutes (U. S. C., title 41, sec. 22) and sections 114 and 115 of the Criminal Code of the United States (U. S. C., title 18, secs. 204 and 205) shall not apply to any contracts or agreements heretofore or hereafter entered into under the Agricultural Adjustment Act, the Federal Farm Loan Act, as amended, the Emergency Farm Mortgage Act of 1933, as amended, the Federal Farm Mortgage Corporation Act, as amended, the Farm Credit Act of 1933, as amended, and the Home Owners' Loan Act of 1933, as amended, and shall not apply to contracts or agreements of a kind which the Secretary of Agriculture may enter into with farmers: Provided, That such exemption shall be made a matter of public record. (Jan. 25, 1934, 48 Stat. 337; June 27, 1934, sec. 510, 48 Stat. 1264; Aug. 26, 1937, 50 Stat. 838; 18 U. S. C., sec. 206; 41 U. S. C., sec. 22.)

1895–1. Advertisements for proposals for purchases and contracts for supplies or services for departments of Government; exception to Sec. 3709, R. S.; control of insect pests and plant diseases.—Materials and equipment for the control of such insect pests and plant diseases may be procured with any sums appropriated to carry out the provisions of this joint resolution without regard to the provisions of section 3709 of the Revised Statutes, as amended, and the transportation thereof may be under such conditions and means as shall be determined by the Secretary of Agriculture to be most advantageous. (Apr. 6, 1937, sec. 3, as amended May 9, 1938, 52 Stat. 344; 41 U. S. C., sec. 60.)

1895–2. Same; exception to Sec. 3709, R. S., this volume; Farm Credit Administration.—For * * * the Farm Credit Administration in the District of Columbia and the field * * *; procurement of supplies and services without regard to section 3709 of the Revised Statutes (41 U. S. C., sec. 5) when the aggregate amount involved does not

exceed \$50; * * *. (June 16, 1938, 52 Stat. 750; June 30, 1939, Title II, sec. 1, 53 Stat. 978; 41 U. S. C., sec. 6w.)

1895-3. Public Contracts Act. Provisions required to be inserted in contracts of United States for manufacture or furnishing of materials, supplies, etc., exceeding \$10,000.—That in any contract made and entered into by any executive department, independent establishment, or other agency or instrumentality of the United States, or by the District of Columbia, or by any corporation all the stock of which is beneficially owned by the United States (all the foregoing being hereinafter designated as agencies of the United States), for the manufacture or furnishing of materials, supplies, articles, and equipment in any amount exceeding \$10,000, there shall be included the following representations and stipulations:

(a) That the contractor is the manufacturer of or a regular dealer in the materials, supplies, articles, or equipment to be manufactured

or used in the performance of the contract:

(b) That all persons employed by the contractor in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract will be paid, without subsequent deduction or rebate on any account, not less than the minimum wages as determined by the Secretary of Labor to be the prevailing minimum wages for persons employed on similar work or in the particular or similar industries or groups of industries currently operating in the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under said contract;

(c) That no person employed by the contractor in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract shall be permitted to work in excess of eight hours in any one day or in excess of forty hours in any one week,

(d) That no male person under sixteen years of age and no female person under eighteen years of age and no convict labor will be employed by the contractor in the manufacture or production or furnishing of any of the materials, supplies, articles, or equipment included

in such contract; and

(e) That no part of such contract will be performed nor will any of the materials, supplies, articles, or equipment to be manufactured or furnished under said contract be manufactured or fabricated in any plants, factories, buildings, or surroundings or under working conditions which are unsanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of said Compliance with the safety, sanitary, and factory inspection laws of the State in which the work or part thereof is to be performed shall be prima-facie evidence of compliance with this subsec-(June 30, 1936, sec. 1, 49 Stat. 2036; 41 U. S. C., sec. 35.)

1895-4. Liability for breach of representations and stipulations.—That any breach or violation of any of the representations and stipulations in any contract for the purposes set forth in section 1 hereof shall render the party responsible therefor liable to the United States of America for liquidated damages, in addition to damages for any other breach of such contract, the sum of \$10 per day for each male person under sixteen years of age or each female person under eighteen years of age, or each convict laborer knowingly employed in the performance of such contract, and a sum equal to the amount of any deductions, rebates, refunds, or underpayment of wages due to any employee engaged in the performance of such contract; and, in addition, the agency of the United States entering into such contract shall have the right to cancel same and to make open-market purchases or enter into other contracts for the completion of the original contract, charging any additional cost to the original contractor. Any sums of money due to the United States of America by reason of any violation of any of the representations and stipulations of said contract set forth in section 1 hereof may be withheld from any amounts due on any such contracts or may be recovered in suits brought in the name of the United States of America by the Attorney General hereof. All sums withheld or recovered as deductions, rebates, refunds, or underpayments of wages shall be held in a special deposit account and shall be paid, on order of the Secretary of Labor, directly to the employees who have been paid less than minimum rates of pay as set forth in such contracts and on whose account such sums were withheld or recovered: Provided, That no claims by employees for such payments shall be entertained unless made within one year from the date of actual notice to the contractor of the withholding or recovery of such sums by the United States of America. (June 30, 1936, sec. 2, 49 Stat. 2037; 41 U.S.C., sec. 36.)

1895-5. List of persons who have breached agreements to be furnished agencies of United States by Comptroller General.—The Comptroller General is authorized and directed to distribute a list to all agencies of the United States containing the names of persons or firms found by the Secretary of Labor to have breached any of the agreements or representations required by this Act. Unless the Secretary of Labor otherwise recommends no contracts shall be awarded to such persons or firms or to any firm, corporation, partnership, or association in which such persons or firms have a controlling interest until three years have elapsed from the date the Secretary of Labor determines such breach to have occurred. (June 30, 1936, sec. 3, 49 Stat. 2037;

41 U. S. C., sec. 37.)

1895-6. Secretary of Labor authorized to administer act; officers and employees, etc.—The Secretary of Labor is hereby authorized and directed to administer the provisions of this Act and to utilize such Federal officers and employees and, with the consent of the State, such State and local officers and employees as he may find necessary to assist in the administration of this Act and to prescribe rules and regulations with respect thereto. The Secretary shall appoint, without regard to the provisions of the civil-service laws but subject to the Classification Act of 1923, an administrative officer, and such attorneys and experts, and shall appoint such other employees with regard to existing laws applicable to the employment and compensation of officers and employees of the United States, as he may from time to time find necessary for the administration of this Act. The Secretary of Labor or his authorized representatives shall have power to make investigations and findings as herein provided, and prosecute any inquiry necessary to his functions in any part of the United States. The Secretary of Labor shall have authority from time to time to make, amend, and rescind such rules and regulations as may be necessary to carry out the provisions of this Act. (June 30, 1936, sec. 4, 49 Štat. 2038; 41 U. S. C., sec. 38.)

1895-7. Hearings and orders; witness fees; failure to obey order; punishment.—Upon his own motion or on application of any person affected by any ruling of any agency of the United States in relation to any proposal or contract involving any of the provisions of this Act, and on complaint of a breach or violation of any representation or stipulation as herein provided, the Secretary of Labor, or an impartial representative designated by him, shall have the power to hold hearings and to issue orders requiring the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy, failure, or refusal of any person to obey such an order, any District Court of the United States or of any Territory or possession, or the Supreme Court of the District of Columbia, within the jurisdiction of which the inquiry is carried on, or within the jurisdiction of which said person who is guilty of contumacy, failure, or refusal is found, or resides or transacts business, upon the application by the Secretary of Labor or representatives designated by him, shall have jurisdiction to issue to such person an order requiring such person to appear before him or representative designated by him, to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof; and shall make findings of fact after notice and hearing, which findings shall be conclusive upon all agencies of the United States, and if supported by the preponderance of the evidence, shall be conclusive in any court of the United States; and the Secretary of Labor or authorized representative shall have the power, and is hereby authorized, to make such decisions, based upon findings of fact, as are deemed to be necessary to enforce the provisions of this (June 30, 1936, sec. 5, 49 Stat. 2038; 41 U. S. C., sec. 39.)

1895-8. Exceptions by Secretary of Labor on written finding by head of department; modification of contracts; variations; overtime pay.—Upon a written finding by the head of the contracting agency or department that the inclusion in the proposal or contract of the representations or stipulations set forth in section 1 will seriously impair the conduct of Government business, the Secretary of Labor shall make exceptions in specific cases or otherwise when justice or public interest will be served thereby. Upon the joint recommendation of the contracting agency and the contractor, the Secretary of Labor may modify the terms of an existing contract respecting minimum rates of pay and maximum hours of labor as he may find necessary and proper in the public interest or to prevent injustice and undue hardship. Secretary of Labor may provide reasonable limitations and may make rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all provisions of this Act respecting minimum rates of pay and maximum hours of labor or the extent of the application of this Act to contractors, as hereinbefore described. Whenever the Secretary of Labor shall permit an increase in the maximum hours of labor stipulated in the contract, he shall set a rate of pay for any overtime, which rate shall be not less than one and one-half times the basic hourly rate received by any employee affected.

(June 30, 1936, sec. 6, 49 Stat. 2038; 41 U. S. C., sec. 40.)

1895-9. "Person" defined.—Whenever used in this Act, the word "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers. (June 30, 1936, sec. 7, 49 Stat. 2039; 41 U. S. C., sec. 41.)

1895-10. Construction of act not to affect other acts mentioned.—The provisions of this Act shall not be construed to modify or amend title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved May 3, 1933 (commonly known as the Buy American Act), nor shall the provisions of this Act be construed to modify or amend the Act entitled "An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes", approved March 3, 1931 (commonly known as the Bacon-Davis Act), as amended from time to time, nor the labor provisions of title II of the National Industrial Recovery Act, approved June 16, 1933, as extended, or of section 7 of the Emergency Relief Appropriation Act, approved April 8, 1935; nor shall the provisions of this Act be construed to modify or amend the Act entitled "An Act to provide for the diversification of employment of Federal prisoners, for their training and schooling in trades and occupations, and for other purposes", approved May 27, 1930, as amended and supplemented by the Act approved June 23, 1934. (June 30, 1936, sec. 8, 49 Stat. 2039; 41 U. S. C., sec. 42.)

1895-11. Inapplicability of act to certain materials.—This Act shall not apply to purchases of such materials, supplies, articles, or equipment as may usually be bought in the open market; nor shall this Act apply to perishables, including dairy, livestock and nursery products, or to agricultural or farm products processed for first sale by the original producers; nor to any contracts made by the Secretary of Agriculture for the purchase of agricultural commodities or the products thereof. Nothing in this Act shall be construed to apply to carriage of freight or personnel by vessel, airplane, bus, truck, express, or railway line where published tariff rates are in effect or to common carriers subject to the Communications Act of 1934. (June 30, 1936.

sec. 9, 49 Stat. 2039; 41 U. S. C., sec. 43.)

1895-12. Effect of partial invalidity.—If any provision of this Act, or the application thereof to any persons or circumstances, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

(June 30, 1936, sec. 10, 49 Stat. 2039; 41 U. S. C., sec. 44.)

1895-13. Effective date; exception as to representation with respect to minimum wages.—This Act shall apply to all contracts entered into pursuant to invitations for bids issued on or after ninety days from the effective date of this Act: Provided, however, That the provisions requiring the inclusion of representations with respect to minimum wages shall apply only to purchases or contracts relating to such industries as have been the subject matter of a determination by the Secretary of Labor. (June 30, 1936, sec. 11, 49 Stat. 2039; 41 U. S. C., sec. 45.)

1895-14. Committee on purchases of blind-made products created.—That there is hereby created a Committee to be known as the Committee on Purchases of Blind-made Products (hereinafter referred to as the

"Committee") to be composed of a private citizen conversant with the problems incident to the employment of the blind and a representative of each of the following Government Departments: The Navy Department, the War Department, the Treasury Department, the Department of Agriculture, the Department of Commerce, and the Department of the Interior. The members of the Committee shall be appointed by the President, shall serve without additional compensation, and shall designate one of their number to be chairman. (June 25, 1938, sec. 1,

52 Stat. 1196; 41 U. S. C., sec. 46.)
1895-15. Duties of Committee.—It shall be the duty of the Committee to determine the fair market price of all brooms and mops and other suitable commodities manufactured by the blind and offered for sale to the Federal Government by any non-profit-making agency for the blind organized under thelaws of the United States or of any State, to revise such prices from time to time in accordance with changing market conditions, and to make such rules and regulations regarding specifications, time of delivery, authorization of a central non-profitmaking agency to facilitate the distribution of orders among the agencies for the blind, and other relevant matters of procedure as shall be necessary to carry out the purposes of this Act: Provided, That no change in price shall become effective prior to the expiration of fifteen days from the date on which such change is made by the Committee. (June 25, 1938, sec. 2, 52 Stat. 1196; 41 U. S. C., sec. 47.)

1895-16. Federal departments to procure brooms and mops, etc., from agencies for the blind.—All brooms and mops and other suitable commodities hereafter procured in accordance with applicable Federal specifications by or for any Federal department or agency shall be procured from such non-profit-making agencies for the blind in all cases where such articles are available within the period specified at the price determined by the committee to be the fair market price for the article or articles so procured: Provided, That this Act shall not apply in any cases where brooms and mops are available for procurement from any Federal department or agency and procurement therefrom is required under the provisions of any law in effect on the date of enactment of this Act, or in cases where brooms and mops are procured for use outside continental United States. (June

25, 1938, sec. 3, 52 Stat. 1196; 41 U. S. C., sec. 48.)

1895-17. Authorizing the obligation of funds for work at Governmentowned establishments.—That nothing contained in title VI, part II, of the Legislative Appropriation Act for the fiscal year 1933 (47 Stat., 417), as amended by section 8 of the First Deficiency Appropriation Act, fiscal year 1936 (49 Stat., 1648), shall be construed as modifying or amending the provision in the Naval Appropriation Act for the fiscal year 1923 (42 Stat., 812), which reads as follows: "That all orders or contracts for work or material, under authorization of law heretofore or hereafter placed with Government-owned establishments, shall be considered as obligations in the same manner as provided for similar orders or contracts placed with private contractors, and appropriations for such work or material shall remain available for payment therefor as in the case of orders or contracts placed with private contractors. (June 2, 1937, 50 Stat. 245; see also par. 1891, Laws Applicable, 1935.)

1895-18. Orders of War and Navy Departments to have precedence over existing contracts.—The President is empowered, through the head of the War Department or the Navy Department of the Government, in addition to the present authorized methods of purchase or procurement, to place an order with any individual, firm, association, company, corporation, or organized manufacturing industry for such product or material as may be required, and which is of the nature and kind usually produced or capable of being produced by such individual, firm, company, association, corporation, or organized manufacturing industry.

Compliance with all such orders for products or material shall be obligatory on any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof and shall take precedence over all other orders and contracts theretofore placed with such individual, firm, company, association, corporation, or organized manufacturing industry. (Sept. 16, 1940,

sec. 9, 54 Stat. 892.)

1895-19. Consolidated exceptions to Section 3709, Revised Statutes.—
That section 3709 of the Revised Statutes shall not be construed to apply to any purchases or services authorized by any appropriation Act for the hereinafter enumerated departments and independent offices—

(b) Where the aggregate amount involved does not exceed the sum of \$50—

* * * * * * *

(2) The Department of Agriculture.(3) The Farm Credit Administration.

* * * * * * *

(c) Where the aggregate amount involved does not exceed the sum of \$100—

(6) The Rural Electrification Administration. * * * (Oct. 10,

1940; sec. 1, 54 Stat. 1109.)

1895–20. Same; exception affecting statutes relating to control of outbreaks of insect pests or plant diseases, etc.—(a) Materials and equipment for the control of incipient or emergency outbreaks of insects, pests, or grass diseases, including grasshoppers, Mormon crickets, and chinch bugs, may be procured with any sums appropriated to carry out the provisions of Public Resolution Numbered 91, approved May 9, 1928, without regard to the provisions of section 3709 of the Revised Statutes, as amended, and the transportation thereof may be under such conditions and means as shall be determined by the Secretary of Agriculture to be most advantageous.*

(b) When the aggregate amount involved does not exceed the sum of \$300, section 3709 of the Revised Statutes shall not apply to any purchase or service for which expenditures are incurred from funds allocated to Government agencies for obligation under the Act of June 28, 1937 (50 Stat. 319), relating to the Civilian Conservation

Corps. (Oct. 10, 1940; Sec. 3, 54 Stat. 1111.)

^{*}As enacted. Public, No. 91, 75th Congress, was approved May 9, 1938; and provides for control of "incipient or emergency outbreaks of insect pests, or plant diseases. * * *"

1895-21. Same; repealing section.—(a) The sections or parts of sections of the Statutes at large heretofore covering the provisions consolidated in this Act are hereby repealed insofar as they are incorporated in the United States Code, 1934 Edition and Supplements thereto. as shown by the appended table: Provided, however, That any rights or liabilities existing under such repealed sections or parts of sections shall not be affected by their repeal. * (Oct. 10, 1940; Sec. 4. 54 Stat. 1111.)

PUBLIC PRINTING AND DOCUMENTS

JOINT COMMITTEE ON PRINTING; GENERAL POWERS; CONTRACTS

1967-1. Opening bids on paper and envelopes; bonds.—The sealed proposals to furnish paper and envelopes shall be opened in the presence of the Joint Committee on Printing and the contracts shall be awarded by them to the lowest and best bidder for the interest of the Government; but they shall not consider any proposal which is not accompanied by a bond with security or certified check in the amount of \$5,000 guaranteeing that the bidder or bidders, if his or their proposal is accepted, will enter into a formal contract with the United States to furnish the paper or envelopes specified; nor shall any proposal from persons unknown to them be considered unless accompanied by satisfactory evidence that the person making the proposal is a manufacturer of or dealer in the description of paper or envelopes proposed to be furnished. (As amended June 16, 1938, sec. 3, 52 Stat. 761; 44 U. S. C., sec. 7.)

1967-2. Comparison of paper and envelopes with standard quality.—The Public Printer shall compare every lot of paper and envelopes delivered by a contractor with the standard of quality fixed upon by the Joint Committee on Printing, and shall not accept any paper or envelopes which does not conform to it in every particular: Provided, however, That any lot of delivered paper or envelopes which does not conform to such standard of quality may be accepted by the Joint Committee on Printing at such discount as, in its opinion, may be sufficient to protect the interests of the Government. (As amended June 20, 1936, sec. 13, 49 Stat. 1553; 44 U. S. C., sec. 9.)

1967-3. Purchase of other printing materials; purchase by departments and Governmental agencies.—The Joint Committee on Printing may permit the Public Printer to authorize any executive department or independent office or establishment of the Government to purchase direct for its use such printing, binding, and blank-book work, otherwise authorized by law, as the Government Printing Office is not able or suitably equipped to execute or as may be more economically or in the better interest of the Government executed elsewhere; and such Joint Committee also may authorize the Public Printer to procure services, materials, and supplies for use of the Government Printing Office without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) whenever the aggregate amount involved is less than \$50. (As amended July 8, 1935, sec. 12, 49 Stat. 475; 44 U. S. C., sec. 14.)

SUPERINTENDENT OF DOCUMENTS

1974a. Government publications shall remain public property.—All Government publications furnished by authority of law to officers (except members of Congress) of the United States Government, for their official use, shall be stamped "Property of the United States Government", and shall be preserved by such officers and by them delivered to their successors in office as a part of the property appertaining to the office. Government publications furnished depository libraries shall be made available for the free use of the general public and must not be disposed of except as the Superintendent of Documents may direct. (Jan. 12, 1895, sec. 74, 28 Stat. 620; June 20, 1936, Title VII, sec. 11, 49 Stat. 1552; 44 U.S.C., sec. 92.)

CONGRESSIONAL RECORD, BILLS, AND LAWS

1986a. Congressional Record; number of copies to departments.—The Public Printer shall furnish the Congressional Record as follows and shall furnish gratuitously no others in addition thereto: To the library of each executive department, * * * to of the daily, one semimonthly copy, and one bound copy. two copies All copies of the daily edition shall, unless otherwise directed by the Joint Committee on Printing, be supplied and delivered promptly on the day after the actual day's proceedings as originally published. (Jan. 12, 1895, sec. 73, 28 Stat. 617; As amended June 20, 1936, sec. 3, 49 Stat. 1547; 44 U. S. C., sec. 183.)

1988. Statutes at Large.—[This paragraph was repealed by Act of

June 20, 1936, sec. 10, 49 Stat. 1552.1

1988-1. Statutes at Large; contents; distribution; admissibility in Evidence.—That the Secretary of State shall cause to be compiled, edited, indexed, and published, the United States Statutes at Large, which shall contain all the laws and concurrent resolutions enacted during each regular session of Congress; all treaties to which the United States is a party that have been proclaimed since the date of the adjournment of the regular session of Congress next preceding; all international agreements other than treaties to which the United States is a party that have been signed, proclaimed, or with reference to which any other final formality has been executed, since that date; all proclamations by the President in the numbered series issued since that date; and also any amendments to the Constitution of the United States proposed or ratified pursuant to article V thereof since that date, together with the certificate of the Secretary of State issued in compliance with the provision contained in section 205 of the Revised Statutes of the United States (U.S. C., title 5, sec. 160). the event of an extra session of Congress, the Secretary of State shall cause all the laws and concurrent resolutions enacted during said extra session to be consolidated with, and published as part of, the contents of the volume for the next regular session. The United States Statutes at Large shall be legal evidence of the laws, concurrent resolutions, treaties, international agreements other than treaties, proclamations by the President, and proposed or ratified amendments to the Constitution of the United States therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States. (Jan. 12, 1895, sec. 73, 28 Stat. 615; June 20, 1936, Title VI, sec. 9, 49 Stat. 1551; June 16, 1938, sec. 1, 52 Stat. 760; 1 U. S. C., sec. 30; 44 U. S. C., sec. 196.)

1988-2. Same; distribution.—The Public Printer shall print, and after the final adjournment of each regular session of Congress, bind and deliver to the Superintendent of Documents as many copies of the Statutes at Large as may be required for distribution as follows:

To the Department of Agriculture, not to exceed one hundred copies. (Jan. 12, 1895, sec. 73, 28 Stat. 615; June 20, 1936, Title VI, sec. 9, 49 Stat. 1551; June 16, 1938, 52 Stat. 761; 44 U. S. C., sec. 196a.)

EXECUTIVE AND DEPARTMENTAL PRINTING IN GENERAL

1992a. Departments to order publications required; limit; bills and resolutions.—The heads of Executive Departments, and such executive officers as are not connected with the Departments, respectively, shall cause daily examination of the Congressional Record for the purpose of noting documents, reports, and other publications of interest to their Departments, and shall cause an immediate order to be sent to the Public Printer for the number of copies of such publications required for official use, not to exceed, however, the number of bureaus in the Department and divisions in the office of the head thereof. The Public Printer shall send to each Executive Department and to each executive office not connected with the Departments, as soon as printed, five copies of all public bills and resolutions, except the State Department, to which shall be sent ten copies of bills and resolutions. When the head of a Department desires a greater number of any class of bills or resolutions for official use, they shall be furnished by the Public Printer on requisition promptly made. (Jan. 12, 1895, sec. 90, 28 Stat. 623; June 20, 1936, Title IV, sec. 14. 49 Stat. 1553; 44 U. S. C., sec. 215.)

FEDERAL REGISTER

2008-1. Compilation of documents required to be filed by Federal agencies with Administrative Committee; Codification Board.—(a) On July 1, 1938, and on the same date of every fifth year thereafter, each agency of the Government shall have prepared and shall file with the Administrative Committee a complete codification of all documents which, in the opinion of the agency, have general applicability and legal effect and which have been issued or promulgated by such agency and are in force and effect and relied upon by the agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities on June 1, 1938. The Committee shall, within ninety days thereafter, report thereon to the President, who may authorize and direct the publication of such codification in special or supplemental editions of the Federal Register.

(b) There is hereby established a Codification Board, which shall consist of six members: The Director of the Division of the Federal Register, chairman ex officio; three attorneys of the Department of Justice, designated by the Attorney General; and two attorneys of the Division of the Federal Register, designated by the Archivist. The Board shall supervise and coordinate the form, style, arrange-

ment, and indexing of the codifications of the various agencies.

(c) The codified documents of the several agencies published in the supplemental edition of the Federal Register pursuant to the provisions of subsection (a) hereof, as amended by documents subsequently filed with the Division, and published in the daily issues of the Federal Register, shall be prima-facie evidence of the text of such documents and of the fact that they are in full force and effect on and after the date of publication thereof.

(d) The Administrative Committee shall prescribe, with the approval of the President, regulations for carrying out the provisions of this section. (July 26, 1935, sec. 11, 49 Stat. 503; June 19, 1937, 50 Stat. 304; 44 U. S. C., sec. 311. Amends Laws Applicable, 1935.

par. 1817m.)

DISPOSITION OF OBSOLETE RECORDS

2012-1. Report to Archivist of records without permanent value or historical interest.—That whenever any agency of the United States Government has in its custody an accumulation of records that are not needed by it in the transaction of its current business and that appear to it to have no permanent value or historical interest, the head of such agency shall submit a written report thereon to the Archivist of the United States in which he shall state the location and describe the character of such records so as to enable the Archivist to identify them. Said report shall be submitted in triplicate and shall be accompanied by samples of the several kinds of records listed therein. (Aug.

(d) The Administrative Committee shall prescribe, with the approval of the President, regulations for carrying out the provisions of this section. (July 26, 1935, sec. 11, 49 Stat. 503; June 19, 1937, 50 Stat. 304; 44 U. S. C., sec. 311. Amends Laws Applicable, 1935,

paragraph 1817m.)

5, 1939, sec. 1, 53 Stat. 1219; 44 U. S. C., sec. 351.)

2012–2. "Records" defined.—When used in this Act, the word "records" means originals or copies of motion-picture or other photographic records in any form whatsoever, sound recordings, correspondence, papers, indexes, maps, charts, plans, drawings, punch cards, tabulation sheets, pictures, and other kinds of records belonging to the United States Government. (Aug. 5, 1939, sec. 2, 53 Stat. 1219; 44 U. S. C., sec. 352.)

2012-3. Report of Archivist to Congress.—The Archivist, with the approval of the National Archives Council, shall submit to Congress, at such times as he shall deem expedient, lists of records reported to him in the manner prescribed by section 1 of this Act that appear to him to have no permanent value or historical interest to the Federal Government. (Aug. 5, 1939, sec. 3, 53 Stat. 1219; 44 U. S. C., sec.

353.)

2012—4. Joint congressional committee; examination of report.—Whenever the Archivist shall submit to Congress, in compliance with the provisions of section 3 of this Act, lists of records that appear to him to have no permanent value or historical interest to the Federal Government, it shall be the duty of the presiding officer of the Senate to appoint two Senators who, with the members of the Committee on the Disposition of Executive Papers of the House of Representatives, shall constitute a joint committee, to which such lists shall be referred and said joint committee shall meet and examine said lists and submit

to the Senate and House of Representatives, respectively, a report of such examination and their recommendation. (Aug. 5, 1939, sec. 4,

53 Stat. 1219; 44 U.S.C., sec. 354.)

2012-5. Disposal of records; report to Congress on disposals.-If such joint committee report that any of the records described in the lists referred to them are not needed or useful in the transaction of the current business of the agency by which they were reported to the Archivist and have no permanent value or historical interest to the Federal Government, then it shall be the duty of the head of said agency to dispose of said records by one of the following methods:

(a) By sale, upon the best obtainable terms after due publication

of notice inviting proposals therefor;

(b) By causing them to be destroyed;

(c) By transfer (without cost to the United States Government) to any State or dependency of the United States of America or to any appropriate educational institution, library, museum, historical, research, or patriotic organization therein, that has made application to him therefor, through the Archivist of the United States. moneys derived from the sale of such records shall be paid into the Treasury of the United States by said agency.

If said joint committee shall fail to make a report during any regular or special session of Congress on any list of records that has been submitted to Congress by the Archivist not less than ten days prior to the adjournment of such session, the Archivist may empower the agency by which such records were reported to him to dispose

of them by any of the methods prescribed in this section.

If it shall appear to the Archivist that any records reported to him in the manner prescribed by section 1 of this Act, while Congress is not in session, have no permanent value or historical interest and have the same form numbers or form letters or are of the same specific kind as other records of the same agency previously authorized for disposition by Congress, he may empower said agency to make disposition of said similar records by any of the methods prescribed in this section.

The Archivist shall submit to Congress at the beginning of each session a descriptive list of all records authorized for disposition by him during the preceding recess of Congress. (Aug. 5, 1939, sec. 5,

53 Stat. 1220; 44 U.S.C., sec. 355.)

2012-6. Report by agency head on disposal of records.—When any records of the United States Government have been disposed of in accordance with the provisions of section 5 of this Act, the head of the agency making such disposition shall submit a written report thereon to the Archivist of the United States in which he shall describe the character and volume of such records and state when and by what method the disposition thereof was accomplished. If any of the records described in a particular report are shown thereby to have been sold, such report shall give the amount of the purchase price received therefor and the total cost of effecting such sales. Said report shall also give the names and post-office addresses of all institutions, associations, or other organizations to which any records therein described have been transferred. (Aug. 5, 1939, sec. 6, 53 Stat. 1220; 44 U. S. C., sec. 356.)

2012-7. Archivist's report to Congress summarizing reports of agency heads.—The Archivist of the United States shall transmit to Congress, at the beginning of each regular session, a concise summarization of the data contained in the reports filed with him by heads of agencies of the Government during the preceding fiscal year in compliance with the provisions of section 6 of this Act. (Aug. 5, 1939,

sec. 7, 53 Stat. 1220; 44 U.S.C., sec. 357.)

2012-8. Records dangerous to health, life and property; destruction.—Whenever the Archivist shall determine that any records in his custody, or which have been reported to him by any agency under the terms of section 1 of this Act, are a continuing menace to human health or life or to property, he shall cause such records to be destroyed immediately at such place and by such method as he shall select: Provided, however, That if said records have been transferred to his custody, he shall report the disposition thereof to the Congress and to the agency from which they were transferred. (Aug. 5, 1939, sec. 8, 53 Stat. 1220; 44 U. S. C., sec. 358.)

2012-9. Report to Congress by Archivist of records in his custody.—Whenever it shall appear to the Archivist that there are in his custody any records that are without permanent value or historical interest to the Federal Government he shall submit lists thereof to Congress in the manner provided by section 3 of this Act: Provided, however, That the Archivist shall not report to Congress, under the provisions of this section, records of any existing agency of the United States without the written consent of the said agency. (Aug. 5, 1939, sec. 9,

53 Sat. 1221; 44 U.S.C., sec. 359.)

2012–10. Exclusiveness of procedure for disposal of records.—The procedures herein prescribed to be followed are exclusive, and no records of the United States Government may be alienated or destroyed except by authority sought and obtained under the provisions of this Act. (Aug. 5, 1939, sec. 10, 53 Stat. 1221; 44 U. S. C., sec. 360.)

2012-11. Repeal of inconsistent laws.—All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed. (Aug.

5, 1939, sec. 11, 53 Stat. 1221; 44 U. S. C., sec. 361.)

2012–12. Disposal of photographed records authorized.—That whenever any agency of the United States Government shall have photographed or microphotographed all or any part of the records kept by or in the agency in a manner and on film that complies with the minimum standards of quality approved for permanent photographic records by the National Bureau of Standards, and whenever such photographs or microphotographs shall be placed in conveniently accessible files and provision made for preserving, examining, and using the same, the head of such agency may, with the approval of the Archivist of the United States, cause the original records from which the photographs or microphotographs have been made or any part thereof to be disposed of according to methods prescribed by law, provided records of the same specific kind in the particular agency have been previously authorized for disposition by Congress. (Sept. 24, 1940, Sec. 1, 54 Stat. 958.)

SHIPPING

MERCHANT MARINE ACT, 1928

2019. Transportation of Governmental officials.—[This section was repealed by Act of June 29, 1936, sec. 903, 49 Stat. 2016. It was reenacted in substance by section 901 of the repealing act. See par. 2019–1, infra.]

MERCHANT MARINE ACT, 1936

2019-1. Officers and employees of the United States Government required to travel on American ships.—Any officer or employee of the United States traveling on official business overseas or to or from any of the possessions of the United States shall travel and transport his personal effects on ships registered under the laws of the United States where such ships are available unless the necessity of his mission requires the use of a ship under a foreign flag: Provided, That the Comptroller General of the United States shall not credit any allowance for travel or shipping expenses incurred on a foreign ship in the absence of satisfactory proof of the necessity therefor. (June 29, 1936, Title IV, sec. 901, 49 Stat. 2015; 46 U. S. C., sec. 1241.)

TELEGRAPHS, TELEPHONES, AND RADIO TELEGRAPHS

WIRE OR RADIO COMMUNICATION

2027-1. Free communication services to United States agencies in connection with national defense authorized.—(a) Nothing in this Act [Communications Act of 1934] or in any other provision of law shall be construed to prohibit common carriers from issuing or giving franks to or exchanging franks with each other for the use of, their officers, agents, employees, and their families, or, subject to such rules as the Commission may prescribe, from issuing, giving, or exchanging franks and passes to or with other common carriers not subject to the provisions of this Act, for the use of their officers, agents, employees, and their families. The term "employees", as used in this section, shall include furloughed, pensioned, and superannuated employees.

(b) Nothing in this Act or in any other provision of law shall be construed to prohibit common carriers from rendering to any agency of the Government free service in connection with the preparation for the national defense: *Provided*, That such free service may be rendered only in accordance with such rules and regulations as the Commission may prescribe therefor. (June 19, 1934, sec. 210, 48

Stat. 1073; June 25, 1940, 54 Stat. 580; 47 U. S. C., sec. 210.)

TRANSPORTATION

LEGISLATION SUPPLEMENTARY TO "INTERSTATE COMMERCE ACT"

2046-1. Interstate transportation of convict made goods; prohibition where intended for use in violation of local law; exemption of Federal made goods for Federal use.—That it shall be unlawful for any person knowingly to transport or cause to be transported, in any manner or by any means whatsoever, or aid or assist in obtaining transportation for or in transporting any goods, wares, and merchandise manufactured, produced, or mined wholly or in part by convicts or prisoners (except convicts or prisoners on parole or probation), or in any penal or reformatory institution, from one State, Territory, Puerto Rico, Virgin Islands, or District of the United States, or place noncontiguous but subject to the jurisdiction thereof, or from any foreign country, into any State, Territory, Puerto Rico, Virgin

Islands, or District of the United States, or place noncontiguous but subject to the jurisdiction thereof, where said goods, wares, and merchandise are intended by any person interested therein to be received, possessed, sold, or in any manner used, either in the original package or otherwise in violation of any law of such State, Territory, Puerto Rico, Virgin Islands, or District of the United States, or place noncontiguous but subject to the jurisdiction thereof. Nothing herein shall apply to commodities manufactured in Federal penal and correctional institutions for use by the Federal Government. (July

24, 1935, sec. 1, 49 Stat. 494; 49 U. S. C., sec. 61.)

2046-2. Same; marking packages.—All packages containing any goods, wares, and merchandise manufactured, produced, or mined wholly or in part by convicts or prisoners, except convicts or prisoners on parole or probation, or in any penal or reformatory institution, when shipped or transported in interstate or foreign commerce shall be plainly and clearly marked, so that the name and address of the shipper, the name and address of the consignee, the nature of the contents, and the name and location of the penal or reformatory institution where produced wholly or in part may be readily ascertained on an inspection of the outside of such package. (July 24, 1935, sec. 2, 49 Stat. 494; 49 U. S. C., sec. 62.)

2046–3. Same; penalties for violation.—Any person violating any provision of this Act shall for each offense, upon conviction thereof, be punished by a fine of not more than \$1,000, and such goods, wares, and merchandise shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the seizure and forfeiture of property imported into the United States contrary to law. (July 24, 1935, sec. 3, 49 Stat. 495;

49 U. S. C., sec. 63.)

2046-4. Same.—Any violation of this Act shall be prosecuted in any court having jurisdiction of crime within the district in which said violation was committed, or from, or into which any such goods, wares, or merchandise may have been carried or transported, or in any Territory, Puerto Rico, Virgin Islands, or the District of Columbia, contrary to the provisions of this Act. (July 24, 1935,

sec. 4, 49 Stat. 495; 49 U. S. C., sec. 64.)

2046-5. Transportation Act of 1940; Government to pay full rates for civil transportation; competitive bids for transportation services no longer necessary; land grant rates may be abolished.—(a) Notwithstanding any other provision of law, but subject to the provisions of sections 1 (7) and 22 of the Interstate Commerce Act, as amended, the full applicable commercial rates, fares, or charges shall be paid for transportation by any common carrier subject to such Act of any persons or property for the United States, or on its behalf, except that the foregoing provision shall not apply to the transportation of military or naval property of the United States moving for military or naval and not for civil use or to the transportation of members of the military or naval forces of the United States (or of property of such members) when such members are traveling on official duty; and the rate determined by the Interstate Commerce Commission as reasonable therefor shall be paid for the transportation by railroad of the United States mail: Provided, however, That any carrier by railroad and the United States may enter into contracts for the transportation of the United States mail for less than such rate: Provided further, That section 3709, Revised Statutes (U. S. C., 1934 edition, title 41, sec. 5), shall not hereafter be construed as requiring advertising for bids in connection with the procurement of transportation services when the services required can be procured from any common carrier lawfully operating in the

territory where such services are to be performed.

(b) If any carrier by railroad furnishing such transportation, or any predecessor in interest, shall have received a grant of lands from the United States to aid in the construction of any part of the railroad operated by it, the provisions of law with respect to compensation for such transportation shall continue to apply to such transportation as though subsection (a) of this section had not been enacted until such carrier shall file with the Secretary of the Interior, in the form and manner prescribed by him, a release of any claim it may have against the United States to lands, interests in lands, compensation, or reimbursement on account of lands or interests in lands which have been granted, claimed to have been granted, or which it is claimed should have been granted to such carrier or any such predecessor in interest under any grant to such carrier or such predecessor in interest as aforesaid. Such release must be filed within one year from the date of the enactment of this Act. Nothing in this section shall be construed as requiring any such carrier to reconvey to the United States lands which have been heretofore patented or certified to it, or to prevent the issuance of patents confirming the title to such lands as the Secretary of the Interior shall find have been heretofore sold by any such carrier to an innocent purchaser for value or as preventing the issuance of patents to lands listed or selected by such carrier, which listing or selection has heretofore been fully and finally approved by the Secretary of the Interior to the extent that the issuance of such patents may be authorized by law. (Sept. 18, 1940; Sec. 321, 54 Stat. 954.)

2046-6. Transportation of Convict-made goods in Interstate Commerce made unlawful.—That whoever shall knowingly transport or knowingly cause to be transported in interstate commerce, in any manner or by any means whatsoever, or aid or assist, knowingly, in obtaining transportation for or in transporting any goods, wares, and merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners (except convicts or prisoners on parole or probation) or in any penal or reformatory institution, from one State, Territory, Puerto Rico, Virgin Islands, or District of the United States, or place noncontiguous but subject to the jurisdiction thereof, or from any foreign country, into any State, Territory, Puerto Rico, Virgin Islands, or District of the United States, or place noncontiguous but subject to the jurisdiction thereof, shall be punished by a fine of not more than \$1,000 or by imprisonment of not more than one year, or both: Provided, That nothing herein shall apply to commodities manufactured in Federal or District of Columbia penal and correctional institutions for use by the Federal Government or to commodities manufactured in any State penal or correctional institution for use by any other State, or States, or political subdivisions thereof; to parts for the repair of farm machinery; or to agricultural commodities: Provided further, That this Act shall go into effect one year after its approval by the President. (Oct. 14, 1940, 54 Stat. 1134.)

CIVIL AERONAUTICS ACT

2046-7. Public right of transit.—There is hereby recognized and declared to exist in behalf of any citizen of the United States a public right of freedom of transit in air commerce through the navigable air space of the United States. (June 23, 1938, Title I, sec. 3, 52 Stat. 980;

49 U. S. C., sec. 403.)

2046-8. Creation of Authority.—(a) An agency is created and established to be known as the "Civil Aeronautics Authority" which shall be composed of five members who shall be appointed by the President, by and with the advice and consent of the Senate, as soon as practicable after the passage of this Act, and who shall continue in office as designated by the President at the time of nomination through the last day of the second, third, fourth, fifth, and sixth calendar years, respectively, following the passage of this Act. The President shall designate annually one of the members of the Authority as chairman and one of the members as vice chairman who shall act as chairman in the absence or incapacity of the chairman. The successors of the members shall be appointed for terms of six years in the same manner as the members originally appointed under this Act, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

(b) There shall be in the Authority an Administrator who shall be appointed by the President by and with the advice and consent of the Senate, * * *. (June 23, 1938, Title II, sec. 201 (a), (b), 52 Stat.

980; 49 U. S. C., sec. 421.)

2046-9. Travel by Government personnel on commercial airways.—Travel by personnel of the United States Government on commercial aircraft, domestic or foreign, including travel between airports and centers of population or posts of duty when incidental to travel on commercial aircraft, shall be allowed at public expense when authorized or approved by competent authority, and transportation requests for such travel may be issued upon such authorizations. Such expense shall be allowed without regard to comparative costs of transportation by aircraft with other modes of transportation. (June 23, 1938, Title II.

sec. 204 (c), 52 Stat. 983; 49 U. S. C., sec. 424.)

2046–10. Civil Aeronautics Authority authorized to cooperate with Government agencies.—The Authority, the Administrator, and the Air Safety Board may avail themselves of the assistance of the National Advisory Committee for Aeronautics and any research or technical agency of the United States on matters relating to aircraft fuel and oil and to the design, materials, workmanship, construction, performance, maintenance, and operation of aircraft, aircraft engines, propellers, appliances, and air navigation facilities. Each such agency is authorized to conduct such scientific and technical researches, investigations, and tests as may be necessary to aid the Authority, the Administrator, and the Air Safety Board in the exercise and performance of their powers and duties. Nothing contained in this Act shall be construed to authorize the duplication of the laboratory research activities of any existing governmental agency. (June 23, 1938, Title XI, sec. 1105, 52 Stat. 1027; 49 U. S. C., sec. 675.)

TRAINING OF CIVIL AIRCRAFT PILOTS

2046-13. Short title.—That this Act may be cited as the "Civilian Pilot Training Act of 1939". (June 27, 1939, sec. 1, 53 Stat. 855; 49) U. S. C., sec. 751.)

2046-14. Cooperation of other agencies; loan or transfer of personnel and equipments.—Any executive department or independent establishment is hereby authorized to cooperate with the Authority in carrying out the purposes of this Act, and for such purposes may lend or transfer to the Authority, by contract or otherwise, or if so requested by the Authority, lend to educational institutions or other persons cooperating with the Authority in the conduct of any such training or program, civilian officials, experts, or employees, aircraft and other property or equipment, and lands or buildings under its control and in excess of its own requirements. (June 27, 1939, sec. 6, 53 Stat. 856; 49 U. S. C., sec. 756.)

WAR

ARSENALS, ARMORIES, ARMS, AND WAR MATERIALS GENERALLY

2048a. Arms and ammunition issued to protect public property-That upon the request of the head of any department or independent agency of the Government, the Secretary of War be, and he is hereby, authorized to issue arms, suitable accouterments for use therewith, and ammunition whenever they may be required for the protection of the public money and property, and they may be delivered to any officer of the department or independent agency designated by the head of such department or independent agency, to be accounted for to the Secretary of War, and to be returned when the necessity for their use has expired: Provided, however, That hereafter the cost of all ammunition issued, the cost of replacing borrowed arms and accouterments which are lost or destroyed or are irreparable, the cost of repairing arms and accouterments returned to the War Department, and the cost to the War Department of making and receiving shipments under the authority of this Act shall be covered by transfer of funds from the department or independent agency concerned to the credit of War Department funds. (Amends Act of Mar. 3, 1879, 20 Stat. 412; Apr. 14, 1937, 50 Stat. 63; 50 U. S. C., sec. 61.)

2049-1. Research, experimentation, and development of rotary-wing and other aircraft; appropriation; reports and recommendations; construction .-That in the interest of adequate national defense and the further interest of the needs of other governmental activities and of American commercial and civil aeronautics for rotary-wing and other aircraft development there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of \$2,000,000 to remain available until expended for the purpose of rotary-wing and other aircraft research, development, procurement,

experimentation, and operation for service testing.

The Secretary of War is authorized and directed to proceed immediately with said research, development, procurement, experimentation, and operation for service testing and further to allot such sums from this fund to other Federal departments or agencies as he, in his judgment and discretion and within the limits herein prescribed, may

deem advisable for the furtherance of these purposes.

The following agencies of the Federal Government are hereby authorized and directed to submit to the Secretary of War plans for research, development, procurement, experimentation, and operation for service testing of rotary-wing and other aircraft. Upon presentation of plans, together with estimates of requirements, the Secretary of War will approve, apportion, and allot the necessary funds which in his discretion may appear proper for each respectively.

The agencies referred to are:

* * * * * *

(b) In the Department of Agriculture, the Bureau of Entomology and Plant Quarantine, the Bureau of Biological Survey, and the Forest Service.

* * * * * *

Such of these agencies as are approved by the Secretary of War for the purpose of carrying out the provisions of this Act and to whom the Secretary of War in accordance with the provisions of this Act shall allocate funds are hereby directed to report at the end of each fiscal year or at such times as the Secretary of War may direct, showing the progress of the work in hand, future programs, if any, and recommendations. Special emphasis in these reports shall be placed on the utility of rotary-wing and other aircraft at the present time and the promise this type of aircraft holds for the future in the opinion of the chief of each agency concerned. (June 30, 1938, 52 Stat. 1255;

50 U. S. C., sec. 95.)

2051-1. Secretary of War authorized to transfer certain military reservations to Secretary of Agriculture.—That the Secretary of War be, and he is hereby, authorized to transfer to the agencies hereinafter set forth the military reservations hereinafter named, or any portions thereof, upon determination by him that said military reservations, or portions thereof, are no longer needed for military purposes: Provided, That in case any of these reservations, or portions thereof, with the exception of the Escambron Tract, Puerto Rico, shall at any future time become surplus to the needs of the agency to which transferred, the head of such agency is hereby directed to transfer the same back to the Secretary of War to be sold under the provisions of the Act of March 12, 1926 (44 Stat. 203): Provided further, That in the event the transfer of any of these reservations, or portions thereof, with the exception of the Escambron Tract, Puerto Rico, is not desired by the respective agencies hereinafter set forth, then the Secretary of War, after the expiration of ninety days following the passage of this Act, shall be, and he is hereby, authorized to sell such reservations, or any portions thereof, under the provisions of the foregoing Act of March 12, 1926.

The agencies to which transfers are authorized and the names of the reservations, with the approximate amount of land involved in each instance, authorized to be transferred are as follows:

* * * * * *

To the Department of Agriculture: Fort DeSoto, Florida, four hundred and forty-nine and twenty-six one-hundredths acres; Fisherman's Island, Virginia, two hundred and twenty-five acres. (Apr. 26, 1938, sec. 1, 52 Stat. 247.)

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PARALLEL STATUTORY REFERENCE TABLE

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	29	108	678	
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2	$\frac{32}{32}$	403	871	
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	32	543	25	
	32	615	1764	
1	32	632	1358	
2	32	632	1359	
5	32	713	1898	
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t	33	628	968	
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	33	811	1834	
	33	873	1039	
	33	1070	911	
	33	1213	1983	
	33	$\frac{1239}{1249}$	$oxed{1996}{1997}$	
	33	$1249 \\ 1257$	1732	
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t	33	1270	376	
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00	34	167	1000	
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	34	$\begin{bmatrix} 225 \\ 225 \end{bmatrix}$	738 739	
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	34	449	42	
	34	449	100	
	34	476	1792	
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	34	482	1934	1074
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	34	768	1345	
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HOW TO USE THIS INDEX

This index covers both the 1935 Edition of the Laws Applicable to the United States Department of Agriculture and the 1941 Supplement in which the index appears. Use of the index in the 1935 volume should be abandoned. The references in the left-hand column of this index are to paragraphs in the 1935 Edition; those in the right-hand column indicate paragraphs in the 1941 Supplement.

References are paragraph, not page, numbers, unless otherwise

indicated.

In many instances there are dual references, that is, references to the same index heading in both columns. This may mean either that—

(1) The respective section of the statute to which the index heading relates has been recompiled in the 1941 Supplement in identical language to that in which it appeared in the 1935 volume; or

(2) The item has been amended by later legislation and appears

in amended form in the Supplement; or

(3) The item appearing in the 1935 volume has been repealed or rendered obsolete by the legislation to which reference is made in the right-hand column.

Users of the index, therefore, are advised to utilize the 1935 Edition and the 1941 Supplement together, in order to learn the status of any given piece of legislation as of the 13th of January 1941, the latest date upon which legislation enacted by the Seventy-sixth Congress could become law.

Most of the index references are alphabetically arranged. The only exceptions to this rule involve situations where the sections or parts of particular statutes or several related statutes are indexed as subheadings under the main headings, in which cases the subheadings appear in the same numerical sequence as the sections or parts of statutes or series of statutes.

In the event that users of the index fail to find the context of the legislation in which they are interested by referring to one index heading, reference should be made to other headings, for the reason that almost every statute in both the 1935 Edition and the 1941

Supplement has been cross-indexed in several different ways.

Particular attention is invited to the fact that the index includes references to statutes by their popular names, e. g., "Smith-Lever Act," "Buy-American Act," "Cooperative Farm Forestry Act," etc.

There are also included complete references to all legislation affecting the Farm Credit Administration, the Rural Electrification Administration, and the Commodity Credit Corporation, which agencies were made parts of the Department since the publication of the 1935 Edition. References are still contained in the index to legislation affecting agencies that were transferred out of the Department, inasmuch as the 1935 Edition contains such legislation. The 1941 Supplement omits all legislation relating to such agencies.

The Solicitor would appreciate suggestions that contribute to the improvement of the index, and especially would appreciate immediate information as to any items that have been inadvertently omitted

from the index or as to any errors that may appear therein.

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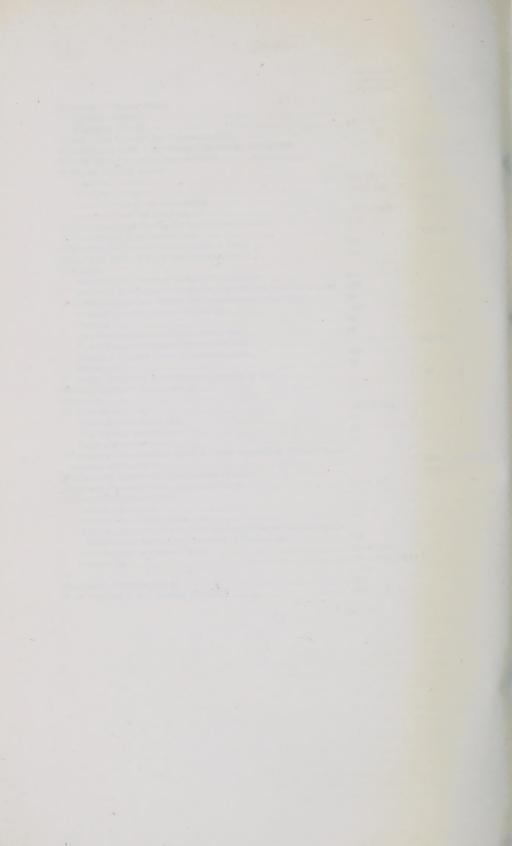
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